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HISTORY

THE REVOLUTION

IN ENGLAND

IN

1688.

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COMPRISING

A VIEW OF THE REIGN OF JAMES II.

FROM HIS ACCESSION, TO THE ENTERPRISE OF THE PRINCE OF ORANGE,

BY THE LATE

RIGHT HON. SIR JAMES MACKINTOSH;

AND

COMPLETED, TO THE SETTLEMENT OF THE CROWN,

BY THE EDITOR.

TO WHICH IS PREFIXED,

A NOTICE OF THE LIFE, WRITINGS, AND SPEECHES OF SIR JAMES MACKINTOSH.

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ADVERTISEMENT.

Sir James Mackintosh long meditated a History of England, beginning with the Revolution of 1688. That portion of it which he executed is given in the present Volume. He took up the History at the Accession of James II., referred to the chief incidents in the reign of Charles II., developed the causes, remote and proximate, of the approaching Revolution, and broke off on the eve of that collision between James and the Prince of Orange which transferred the Crown from the King to the Prince.

It remained only to narrate the catastrophe.

Under these circumstances, it has been thought expedient to continue the Narrative to the settlement of the Crown. The advantages of access to the original and invaluable manuscript authorities used by Sir James, rendered this course still more advisable. Some interesting extracts from them will be found in the Appendix.

In the Continuation, it will be observed that the glimpses of opinion on the character of the Revolution, and on the characters

and motives of the chief persons who figured in it, do not always agree with the views of Sir James Mackintosh. But it should not be forgotten, that Sir James was avowedly and emphatically a Whig of the Revolution, — and that, since the agitation of Religious Liberty and Parliamentary Reform became a national movement, the great transaction of 1688 has been more dispassionately, more correctly, and less highly estimated. The writer of the Continuation believed himself unbiassed by any predilection for either Whigs or Tories, and not only borne out but bound by the facts. He felt, in fine, that his first duty to the reader and to himself was good faith.

The latter period of the history was one essentially of action and events. Hence, and from the necessity of taking up the career of the Prince of Orange where it was dropped by Sir James, the Continuation has swelled to an unexpected compass.

ERRATA.

Page 56. note b, for "Jennaio" read "Gennajo."
205. line 22. for "since death" read "since the death."
322. note a, line 6. for "mare" read "mari."
389. note b for "conduite le sage" read "conduite si sage."
475. line 5. for "majority of them" read "majority."
492. line 9. from bottom, for "made" read "named."
536. note b, for "his nuns" read "the nuns."
614. line 10. from bottom, after "and sought precedents" add "to justify it."

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NOTICE

OF

THE LIFE, WRITINGS, AND SPEECHES

OF

SIR JAMES MACKINTOSH.

Sir James Mackintosh will be remembered as a man of letters and member of the House of Commons. He cultivated literature without incidents or disputes, and spoke in Parliament without participation in the counsels, either of party or of the government. The following notice, therefore, contains little that is merely personal.* It will but present a passing and imperfect view of the exercise of his faculties, and developement of his principles, in his writings and speeches. Some few particulars, however, of his private and early life may be given. He was born on the 24th of October, 1765, in the county of Inverness. It appears, from the following passage in one of his speeches, referring to a grant from the civil list by the late king for the erection of a monument at Rome to Cardinal York, that his family were Jacobites, and espoused the cause of the Pretender:—

"I trust that I shall not be thought unfeeling, if I confess, that I cannot look in the same light on a sum of public money, employed in funeral honours to the last prince of a royal family, who were declared by our ancestors unfit to reign over this kingdom. That they should be treated as princes, in the relief of their distress — that they should be treated as princes, even to soothe their feelings, in the courtesies of society — I most cheerfully allow. Neither the place of my birth, nor the actions and sufferings of those from whom I am descended, dispose me to consider them with sternness; but, I own, that to pay funeral honours to them in the name of the country, or its sovereign, appears to me (to speak guardedly) a very ambiguous and questionable act."

* It is right to state that the family of Sir James Mackintosh have had no part in the preparation of this notice.

His father, a military officer of social habits and careless temper, had already encumbered and wasted the family patrimony, and was, for the most part, absent from Scotland with his regiment on foreign service. Fortunately, neither the absence nor the imprudence of Captain Mackintosh interfered with the education of his son. Sir James received his first instruction from a female relative, who was conversant with books, and to whose lessons he ever after acknowledged himself under lasting obligations. A bequest to him, whilst yet a child, by an uncle, supplied the means of continuing and completing his studies. He was placed, first at the school of Fortrose, in Ross-shire, next at King's College, Aberdeen, and gave, at both, decisive promise of his future eminence. His friends selected for him the profession of a physician. He accordingly became, about the age of twenty, a medical student at the University of Edinburgh. Here the study of medicine is said to have occupied the lesser, whilst literature, philosophy, and dissipation, engaged the greater, portion of his time. One of the most fascinating and exciting objects of ambition, especially in youth, is oratory. Mackintosh distinguished himself as a speaker in two debating societies, the one limited to medical subjects, the other embracing a wider range in matters of taste and speculation. The ascendant of his talents was such, that it grew into a fashion among the students to copy him, even in the negligence of his dress. With his distaste for the study of medicine, he yet took the degree of doctor in 1787, and printed, according to immemorial usage on the occasion, a thesis in Latin. He took, for his subject, Muscular Action. The probationary thesis of Sir James, in the midst of his distractions, could not add much to physiological science. He is said to have distinguished himself in what the Scotch call Humanity whilst at the University of Aberdeen; and he loved to quote the Roman classics in his writings and speeches. Yet this composition of his youth, when he must have been most familiar with Latin writers, is no signal exception to the latinity of physicians. The dedication may be cited as a specimen the most favourable to the author, and most intelligible to the unprofessional reader.

" AMICO SUO GULIELMO ALEXANDER, &c. &c. JACOBUS MACKINTOSH, S.P.D.

" Cum mihi dulce magis decorumque videatur, sancto amicitiæ numini, quales amicum deceat * honores impendere, quam inanes Optimatium titulos inaniori laude conspurcare, ut huicce opusculo dignitatis aliquid conciliaretur, itemque ut servilioris obsequii crimen effugerem, illud tibi, AMICORUM AMICISSIME, nuncupandum existimavi. Mecum

* Neque hic a mente mea mens vel ipsius Verulamii abhorret. Vide de Augmentis Scientiarum, lib. i. p. 29.

igitur hodie suavissime agitur, cum gratissimis gratissimæ necessitudinis vocibus auscultare, unaque ingenuæ ingenui animi superbiæ non obsurdescere contingat; neque tibi injucundum fore arbitrarer, si dum multi, iique amore observantiaque dignissimi consuetudinem mecum nec declinant nec dedignantur, (mihi etenim in fatis fuit, ut nunquam non juventus mea talibus amicis bearetur :) Te, hos inter, principem conjunctissimumque compellarem. Si quid igitur ex mentis meæ industria fœtuve, nomini possem tuo laudis decorisve fœnerari, sive quodlibet tibi possem nuncupare opus, cujus olim memoria oblivione non obrueretur, tunc meam in te deficere voluntatem haudquaquam suspicareris. Quare mihi, credo, minime subirasceris, si inauguralibus hisce Academiarum nugis, quas ipsissimis in cunis intermorituras Auctor non desiderabit, nomen tuum, NOMEN AMICI, præficere non reformidem. Atqui inania mihi hæc frivolaque, ut ut puerilia quandoque fastidienti, hoc saltem subridebit voluptatis, quod pectus mihi ILLORUM recordatione pertentabitur, quorum consentientibus studiorum rationibus inflammabar, quorum ex judiciis judicio meo lumen roburque accedebat, quorum labores horarum subsecivarum mutuis mutui oblectamentis condiebantur, quorum denique unanimia in te vota precesque mecum hic hodie concinunt conspirantque; neque hæc, si Diis placeat, sive materno sive novercali fortuna me lumine intueatur, ex 'sanctis unquam mentis meæ recessibus*' exulabunt: quin crescentes crescentium, annorum curas solicitudinesque permulcendo, ope, illaque haud illætabili, tristia senectutis tædia recreabunt, quod (sors etiamsi obtingat humilior nomenque sileatur), non una amicitiæ lacryma amici cineribus parentaverit. Vale AMICE, amici valete.

"Dab. Edin. Prid. ante Id. Septemb. A. 1787."

There is, in this dedication, and in the note on Dr. Parr's preface to Bellendenus, subjoined to it with more ambition than propriety, much pretension to idiom and conceit of scholarship, with forced constructions, far-sought and ill-chosen expressions, and that sort of effort between obscurity and sense, from which it may be suspected that the writer derived his inspirations from the dictionary. The dedication to a familiar friend, rather than to a patron, contrary to usage, was independent; but the phrase "laude conspurcare" is not merely improper — it suggests a disgusting image. The first sentence of the thesis contains a glaring mistake of language. "Auxiliantibus musculorum fibris omnia omnino

* "Vide perelegantem in nuperam Bellendini operum edit. Lond. excusam Præfat.

"Atque hic mihi neminem, dummodo Attice Romaneque vel tantillum sapiat, succensurum crediderim, si quantum ex aureo hocce opusculo perlegendo voluptatis perceperim (ab illo etenim lectitando 'aure' adhuc 'ferveo vaporata') intempestive fortasse quamvis, attamen vel importunus profitear. Hocque mihi ideo antiquius visum est, quod amicum quem hic alloquor (ille etenim ab optimis nunquam, nunquam a sapientibus discrepuit), 'de republica, cum auctore gravi literatissimoque, idem semper velle, idem semper sentire,' non ignorabam. Hujus equidem scriptoris Latinissimi, sive Procerum varias variarum indolum facies scite adumbrare; sive eosdem, prout debeatur meritis, vel infamiæ notis inustos, vel immortali condecoratos gloria posteritati tradere, famæ quasi largitoris jure, tam exculto limatoque ingenio, haud inique condonaveris. Ipsius enimvero nutui adeo advolant et famulantur, quæcunque habeat antiquitas leporum et venustatis, ut omnia e proprio penu deprompsisse potius, quam 'ut alienum libasse,' videatur. Verbo dicam — Romanæ hinc et inde Cecropiæque pullulantes elegantiæ flosculos ita carpsit curiose, ut in sertum quasi germanum, maritalesque corollas sponte coalescerent. Sed quid ego hæc autem — mene Antalcidæ immemorem sententiæ,—Τις γαρ αυτον ψεγει;"

vitæ munera defungi quotidiano usu commonemur." Deceived by the passive termination of the deponent verb *defungor*, he misuses it in a passive sense. His motto from Persius is very happily chosen, —

Latet arcanâ non enarrabile fibrâ.

Sir James Mackintosh has been described by others, and by himself, as indolent and dilatory at every period of his life. A curious instance of this disposition is related of him on the occasion of taking his degree. He not only put off the writing of his thesis to the last moment, but was an hour behind his time on the day of examination, and kept the academic senate waiting for him in full conclave. The latter instance, not so much of indolence as of gross negligence and bad taste on the part of a student, and of patient condescension on the part of the professors, is scarcely credible.

The bar is considered the proper sphere for a young man without fortune, who appears qualified to become a public speaker. Mackintosh signalised himself among the unfledged orators of the Medical and Speculative Societies, so called; and the profession of the law was recommended to him before he yet left Edinburgh. He, however, came to England with the intention to practise physic, and with recommendations to Dr. Fraser, a physician at Bath. Young, careless, and dissipated, he had squandered his money on becoming his own master; and before he left the University of Edinburgh his uncle's legacy was exhausted. His relatives, who now supplied him, most probably dictated the continued pursuit of physic; and, on the advice of Dr. Fraser, he had thoughts of commencing practice at Bath. In 1788, however, he came to London, and resided in the house of a wine merchant, also named Fraser, in Clipstone Street. This residence proved one of the fortunate circumstances of his life. It led to his acquaintance with Miss Stuart, whom he married in January, 1789; so privately, that the pew-openers of Mary-le-bone Church were the witnesses. Mackintosh, with this seeming romance, was captivated wholly by the good sense and amiable character of this excellent woman. It will be found that she exercised the happiest influence on the conduct of his life and employment of his time. But the friends of both parties were equally incensed. The brothers of the lady were dissatisfied at her marriage with a young man who had neither fortune nor industry, and of whose capacity they had yet no idea. He had, indeed, on his arrival in London, published a pamphlet on the Regency question then pending, in support of the claims of the Prince of Wales and the views of the Whigs. But this first essay

in politics failed to attract the notice either of the party or of the public. His family, to indulge their anger, or punish his imprudence, now withheld their supplies; and his situation would have been one of the most embarrassing, if his wife had not been possessed of some funds. This enabled and determined them to visit the Netherlands in the spring of 1789.

The Revolution now agitated France and Europe. Its principles, its passions, and its visions, were nowhere more deeply felt than in Brabant. Mackintosh continued in the Netherlands, residing chiefly at Brussels, until the end of the year. Arrived in London at the commencement of 1790, he found himself without money or means of living. But if his residence abroad exhausted his finances, it furnished him in return with a stock of information and enthusiasm respecting foreign politics and the Revolution, which he was soon enabled to turn to account. Mr. Charles Stuart, the brother of his wife, was a contributor to the fugitive literature of the theatres and public press of London. Mackintosh, by his advice, aspired to become a journalist, and was introduced by him to that multifarious editor, John Bell, then editor and proprietor of a newspaper called The Oracle. The authorship of the defunct pamphlet, the advantages of having passed the preceding year on the Continent, and the title of Dr. Mackintosh, then borne by Sir James, were imposing recommendations in the eyes of the proprietor of the journal, and he was soon installed its sole organ in the department of foreign politics. It was agreed between the parties that the amount of remuneration should be regulated by admeasurement in the printed columns of The Oracle. Sir James, with the vigour and freshness of his youth, his opinions, and his feelings, and inspired, moreover, by that which the Roman satirist ranked with Parnassus and the Pierian spring*, was declared by the proprietor ruinously prolific. One week his labours measured ten pounds sterling. "No paper," said Mr. Bell, with frank simplicity, "can stand this." An average was struck, and Sir James wrote at a fixed price.

Few persons think of asking others or themselves who is the writer of what they read in a newspaper;—either because the matter is so strictly ephemeral, and each daily impression obliterates that of the preceding day, or because the constant readers personify the journal itself by clothing its

* * Nec labra fonte prolui caballino,
Nec in bicipiti somniâsse Parnasso
Memini, &c. . . . . .
. . . . . .
Magister artis ingenique largitor,
Venter, &c. PERSIUS.

name with the attributes of authorship. Mackintosh, however, wrote so ably, that whilst the mass of constant readers quoted The Oracle with increased deference, the better informed and more inquisitive asked after the writer. He became acquainted, among others, with Felix Macarthy, an Irish compound of rake, gladiator, writer, and politician; the companion of Sheridan in his orgies and election scenes, and the humble follower of Lord Moira. Felix, as he appears to have been habitually called, both by strangers and his friends, made Mackintosh acquainted with the unfortunate Gerald, by whom he was thus early introduced to Doctor Parr. The brothers of Mrs. Mackintosh were now not only reconciled to the marriage, but attached to him personally, and proud of him. They advised him to attempt something more worthy of him than the diurnal supply of political vaticination, through the medium of The Oracle. Thus encouraged, he attended a public meeting of the county of Middlesex, and made a speech which was received with great applause. His friend Felix was present, and sounded the praises of the speaker and the speech among his numerous friends, whose number and constancy he was accustomed to attest by a punning quotation: —

Donec eris *Felix* multos numerabis amicos.

The career of Mackintosh in London was now interrupted for a moment by the death of his father. He found it necessary to visit Scotland. Mrs. Mackintosh, with an infant of a few weeks old, accompanied him. So fond was he of her person and society, that the shortest separation from her was painful, and a long absence intolerable to him. Having sold that part of the family property which came into his hands on his father's death, he returned to London with a few hundred pounds, took a house at Ealing, and undertook the hardy task of answering Burke's "Reflections on the French Revolution." He had a host of competitors already in the field. There were not wanting prudent counsellors who would divert him from a beaten subject, — upon which, they said, nothing new could be advanced, — and dissuade him from a vain trial where he had so many rivals to contend with. A subject is exhausted to those only whose barren or exhausted mediocrity can produce nothing new, — and there is, according to Swift, in the greatest crowd, room enough for him who can reach it, above their heads. Mackintosh proved both these truths, by persisting in his purpose. His talents, however, were already known and estimated. Paine, whilst writing his "Rights of Man," heard that Mackintosh also was employed in answering Burke. "Tell your friend," said he, to an acquaintance of Sir James, "that

he will come too late, unless he hastens; for, after the appearance of my reply, nothing more will remain to be said." It would seem that Paine instinctively knew the only rival whose work should divide opinion with him.

The Vindiciæ Gallicæ appeared among the latest of the replies to Burke. The work occupied the author several months. From a pamphlet which he designed it should be, it came out a volume of 380 pages, in April 1791. The period of composing it was, probably, the happiest of his life. The more generous principles and brighter views of human nature, society, and government, — of his own ambition and hopes, — which then engaged his faculties and exalted his imagination, were assuredly not compensated to him by the commendations which he subsequently obtained for practical wisdom, matured prudence, and those other hackneyed phrases which are doubtless often justly bestowed, but which are still oftener but masks for selfish calculation and grovelling ambition. His domestic life was, at the same time, the happiest that can be conceived. He had indulged, by his own avowal, in the vices of dissipation up to the period of his marriage; but now his life was passed in the solitude of his house at Ealing, without seeking or desiring any other enjoyment than the composition of his work, and the society of his wife, to whom, by way of recreation in the evening, he read what he had written during the day. The Vindiciæ Gallicæ, accordingly, though not the most profound or learned of his productions, was never after equalled by him in vigour and fervour of thought, style, and dialectics. He sold the copyright for 30*l.* Published in April, it reached a third edition in August; and the publisher had the liberality to give the author more than triple the stipulated sum.

Mackintosh had been already introduced by his brother-in-law to Sheridan, who was then what may be called manager of the press to the Whig party. Sheridan said that he supposed a hundred or two from the fund at Brookes's would not come amiss to the author of the Vindiciæ. The suggestion was no doubt readily assented to, but went no farther. The fund was at the time impounded in consequence of the Whig schism on the subject of the French Revolution.

The author of the Vindiciæ Gallicæ started at once into celebrity. His acquaintance was sought by the chief Whigs, — by Fox, Grey, Lauderdale, Erskine, Whitbread; and he was invited to the Duchess of Gordon's rout. He was not only courted, but defamed; there could, therefore, be no doubt of the reality of his success.

"The vulgar clamour," says he, in an advertisement to the third edition, "which has been raised with such malignant art against the friends of freedom, as the apostles

of turbulence and sedition, has not even spared the obscurity of my name. To strangers I can only vindicate myself by defying the authors of such clamours to discover one passage in this volume not in the highest degree favourable to peace and stable government. Those to whom I am known would, I believe, be slow to impute any sentiments of violence to a temper which the partiality of my friends must confess to be indolent, and the hostility of enemies will not deny to be mild."

Who does not know Burke's chivalrous and celebrated allusion to the Queen of France, in a passage of which the taste may be criticised, but of which the eloquence will never be unfelt by those who can appreciate imagination and sentiment? The following may be called an antagonist passage by Mackintosh in reply: —

"In the eye of Mr. Burke, these crimes and excesses assume an aspect far more important than can be communicated to them by their own insulated guilt. They form, in his opinion, the crisis of a revolution, far more important than any change of government; a revolution, in which the sentiments and opinions that have formed the manners of the European nations are to perish. 'The age of chivalry is gone, and the glory of Europe extinguished for ever.' He follows this exclamation by an eloquent eulogium on chivalry, and by gloomy predictions of the future state of Europe, when the nation that has been so long accustomed to give her the tone in arts and manners is thus debased and corrupted. A caviller might remark, that ages much more near the meridian fervour of chivalry than ours have witnessed a treatment of queens as little gallant and generous as that of the Parisian mob. He might remind Mr. Burke, that, in the age and country of Sir Philip Sidney, a Queen of France, whom no blindness to accomplishment, no malignity of detraction, could reduce to the level of Maria Antoinetta, was, by 'a nation of men of honour and cavaliers,' permitted to languish in captivity and expire on a scaffold; and, he might add, that the manners of a country are more surely indicated by the systematic cruelty of a sovereign, than by the licentious frenzy of a mob."

This and another passage were made the subject of much obloquy by his opponents, and disapproved, it would appear, by some of his friends. In the advertisement before cited, he says, —

"I have been accused, by valuable friends, of treating with ungenerous levity the misfortunes of the royal family of France. They will not, however, suppose me capable of deliberately violating the sacredness of misery in a palace or a cottage; and I sincerely lament that I should have been betrayed into expressions which admitted that construction."

The reign of Louis XIV., and the successive counsels which swayed France in the two feeble reigns which intervene between that celebrated age and the Revolution, are sketched by a few vigorous touches at the opening of the work: —

"The intrusion of any popular voice was not likely to be tolerated in the reign of Louis XIV., — a reign which has been so often celebrated as the zenith of warlike and

literary splendour, but which has always appeared to me to be the consummation of whatever is afflicting and degrading in the history of the human race. Talent seemed, in that reign, robbed of the conscious elevation, of the erect and manly port, which is its noblest associate and its surest indication. The mild purity of Fénélon, the lofty spirit of Bossuet, the masculine mind of Boileau, the sublime fervour of Corneille, were confounded by the contagion of ignominious and indiscriminate servility. It seemed as if the 'representative majesty' of the genius and intellect of man were prostrated before the shrine of a sanguinary and dissolute tyrant, who practised the corruption of courts without their mildness, and incurred the guilt of wars without their glory. His highest praise is to have supported the stage trick of royalty with effect; and it is surely difficult to conceive any character more odious and despicable, than that of a puny libertine, who, under the frown of a strumpet, or a monk, issues the mandate that is to murder virtuous citizens, to desolate happy and peaceful hamlets, to wring agonising tears from widows and orphans. Heroism has a splendour that almost atones for its excesses; but what shall we think of him, who, from the luxurious and dastardly security in which he wallows at Versailles, issues with calm and cruel apathy his order to butcher the Protestants of Languedoc, or to lay in ashes the villages of the Palatinate? On the recollection of such scenes, as a scholar, I blush for the prostitution of letters; as a man, I blush for the patience of humanity.

"But the despotism of this reign was pregnant with the great events which have signalised our age. It fostered that literature which was one day destined to destroy it. Its profligate conquests have eventually proved the acquisitions of humanity; and the usurpations of Louis XIV. have served only to add a larger portion to the great body of freemen. The spirit of its policy was inherited by the succeeding reign. The rage of conquest, repressed for a while by the torpid despotism of Flewry, burst forth with renovated violence in the latter part of the reign of Louis XV. France, exhausted alike by the misfortunes of one war and the victories of another, groaned under a weight of impost and debt, which it was equally difficult to remedy or to endure. The profligate expedients were exhausted, by which successive ministers had attempted to avert the great crisis, in which the credit and power of the government must perish.

"The wise and benevolent administration of M. Turgot, though long enough for his glory, was too short, and, perhaps, too *early*, for those salutary and grand reforms which his genius had conceived and his virtue would have effected. The aspect of purity and talent spread a natural alarm among the minions of a court, and they easily succeeded in the expulsion of such rare and obnoxious intruders.

"The magnificent ambition of M. de Vergennes; the brilliant, profuse, and rapacious career of M. de Calonne; the feeble and irresolute violence of M. Brienne; all contributed their share to swell this financial embarrassment. The *deficit*, or the inferiority of the revenue to the expenditure, at length rose to the enormous sum of 115 millions of livres, or about 4,750,000*l.* annually. This was a disproportion between income and expense with which no government, and no individual, could long continue to exist.

"In this exigency, there was no expedient left but to guarantee the ruined credit of bankrupt despotism by the sanction of the national voice. The States-general were a dangerous mode of collecting it. Recourse was therefore had to the assembly of the *Notables*, a mode well known in the history of France, in which the King summoned a number of individuals, selected at *his* discretion from the mass, to advise him in great emergencies. They were little better than a popular Privy Council. They were

neither recognised nor protected by law. Their precarious and subordinate existence hung on the rod of despotism.

"They were called together by M. Calonne, who has now the inconsistent arrogance to boast of the schemes which he laid before them, as the model of the assembly whom he traduces. He proposed, it is true, the equalisation of impost, and the abolition of the pecuniary exemptions of the nobility and clergy; and the difference between his system, and that of the assembly, is only in what makes the sole distinction in human actions —*its end*. *He* would have destroyed the privileged orders, as obstacles to despotism. *They* have destroyed them, as derogations from freedom. The object of *his* plans was to facilitate *fiscal* oppression. The motive of *theirs* is to fortify general liberty. *They* have levelled all Frenchmen as men; *he* would have levelled them all as slaves.

"The assembly of the Notables, however, soon gave a memorable proof, how dangerous are all public meetings of men, even without legal powers of control, to the permanence of despotism. They had been assembled by M. Calonne, to admire the plausibility and splendour of his speculations, and to veil the extent and atrocity of his rapine. But the fallacy of the one, and the profligacy of the other, were detected with equal ease. Illustrious and accomplished orators, who have since found a nobler sphere for their talents in a more free and powerful assembly, exposed this plunderer to the Notables. Detested by the nobles and clergy, of whose privileges he had suggested the abolition; undermined in the favour of the Queen, by his attack on one of her favourites (Breteuil); exposed to the fury of the people, and dreading the terrors of judicial prosecution; he speedily sought refuge in England, without the recollection of one virtue, or the applause of one party, to console his retreat."

The French soldiers, by abandoning the court, and siding with the people in the crisis of the Revolution, decided the great struggle between privilege and democracy. Their conduct called forth execrations from one party, eulogies from the other, eloquence from both, — and remains one of the great lessons bequeathed by that awful epoch to nations and their governments. Stigmatised by Burke, they are thus defended by Mackintosh: —

"These soldiers, whom posterity will celebrate for patriotic heroism, are stigmatised by Mr. Burke as 'base hireling deserters,' who sold their king for an increase of pay. This position he every where asserts or insinuates, but nothing seems more false. Had the defection been confined to Paris, there might have been some speciousness in the accusation. The exchequer of a faction might have been equal to the corruption of the guards. The activity of intrigue might have seduced by promise the troops cantoned in the neighbourhood of the capital. But what policy or fortune could pervade by their agents or donatives an army of 150,000 men dispersed over so great a monarchy as France. The spirit of resistance to *uncivic* commands broke forth at once in every part of the empire. The garrisons of the cities of Rennes, Bordeaux, Lyons, and Grenoble refused, almost at the same moment, to resist the virtuous insurrection of their fellow-citizens. No largesses could have seduced, no intrigues could have reached, so vast and divided a body. Nothing but sympathy with the national spirit could have produced their noble disobedience. The remark of Mr. Hume is here most applicable, that what depends on a few may be often attributed to chance

(*secret circumstances*), but that the actions of great bodies must be ever ascribed to general causes. It was the apprehension of *Montesquieu*, that the spirit of increasing armies would terminate in converting Europe into an immense camp, in changing our artisans and cultivators into military savages, and reviving the age of Attila and Genghis. Events are our preceptors, and France has taught us that this evil contains in itself its own remedy and limit. A domestic army cannot be increased without increasing the number of its ties with the people, and of the channels by which popular sentiment may enter. Every man who is added to the army is a new link that unites it to the nation. If all citizens were compelled to become soldiers, all soldiers must of necessity adopt the feelings of citizens, and the despots cannot increase their army without admitting into it a greater number of men interested to destroy them. A small army may have sentiments different from the great body of the people, and no interest in common with them; but a numerous soldiery cannot. This is the barrier which nature has opposed to the increase of armies. They cannot be numerous enough to enslave the people, without becoming the people itself. The effects of this truth have been hitherto conspicuous only in the military defection of France, because the enlightened sense of general interest has been so much more diffused in that nation than in any other despotic monarchy of Europe. But they must be felt by all. An elaborate discipline may for a while in Germany debase and brutalise soldiers too much to receive any impressions from their fellow men;—artificial and local institutions are, however, too feeble to resist the energy of natural causes. The constitution of man survives the transient fashions of despotism, and the history of the next century will probably evince on how frail and tottering a basis the military tyrannies of Europe stand."

The army having decided that there should be a revolution, the constituent assembly determined its form and extent. Burke described this memorable assembly as the greatest architects of ruin which the world had ever seen. One of the most remarkable innovations of the constituent assembly was the abolition of feudal titles of nobility. The measure was literally improvised, and took Europe by surprise. Burke's illustration of Corinthian capitals is familiar to most readers. The following is Mackintosh's reply: —

"Thus feeble are the objections against the authority of the assembly. We now resume the consideration of its exercise, and proceed to enquire whether they ought to have reformed or destroyed their government? The general question of innovation is an exhausted common-place, to which the genius of Mr. Burke has been able to add nothing but splendour of eloquence and felicity of illustration. It has long been so notoriously of this nature, that it is placed by Lord Bacon among the sportive contests which are to exercise rhetorical skill. No man will support the extreme on either side. Perpetual change and immutable establishment are equally indefensible. To descend, therefore, from these barren generalities to a more near view of the question, let us state it more precisely. Was the civil order in France corrigible, or was it necessary to destroy it? Not to mention the extirpation of the feudal system, and the abrogation of the civil and criminal code, we have first to consider the destruction of the three great corporations—of the Nobility, the Church, and the Parliament. These

three aristocracies were the pillars which, in fact, formed the government of France. The question, then, of forming or destroying these bodies is fundamental. There is one general principle applicable to them all, adopted by the French legislators, *that the existence of orders is repugnant to the principles of the social union.* An order is a legal rank—a body of men combined and endowed with privileges by law. There are two kinds of inequality; the one personal—that of talent and virtue, the source of whatever is excellent and admirable in society; the other, that of fortune, which must exist, because property alone can stimulate to labour; and labour, if it were not necessary to the existence, would be indispensable to the happiness of man. But though it be necessary, yet, in its excess, it is the great malady of civil society. The accumulation of that power, which is conferred by wealth, in the hands of the few, is the perpetual source of oppression and neglect to the mass of mankind. The power of the wealthy is further concentrated by their tendency to combination, from which number, dispersion, indigence, and ignorance equally preclude the poor. The wealthy are formed into bodies by their professions, their different degrees of opulence (called *ranks*), their knowledge, and their small number. They necessarily, in all countries, administer government, for they alone have skill and labour for its functions. Thus circumstanced, nothing can be more evident than their inevitable preponderance in the political scale. The preference of partial to general interests is, however, the greatest of all public evils: it should, therefore, have been the object of all laws to repress this malady; but it has been their perpetual tendency to aggravate it. Not content with the inevitable inequality of fortune, they have superadded to it honorary and political distinctions. Not content with the inevitable tendency of the wealthy to combine, they have embodied them in classes; they have fortified those conspiracies against the general interest, which they ought to have resisted, though they could not disarm. Laws, it is said, cannot equalise men. No; but ought they for that reason to aggravate the inequality which they cannot cure? Laws cannot inspire unmixed patriotism; but ought they for that reason to foment that corporation spirit which is its most fatal enemy? 'All professional combinations,' said Mr. Burke in one of his late speeches in parliament, 'are dangerous in a free state.' Arguing on the same principle, the National Assembly has proceeded further. They have conceived that the laws ought to create no inequality of combination, to recognise all only in their capacity of citizens, and to offer no assistance to the natural preponderance of partial over general interest.

"Hitherto all had passed unnoticed; but no sooner did the assembly, faithful to their principles, proceed to extirpate the external signs of ranks which they no longer tolerated, than all Europe resounded with clamours against their Utopian and levelling madness. The incredible decree of the 19th of June, 1790, for the suppression of titles, is the object of all these invectives; yet, without that measure, the assembly would certainly have been guilty of the grossest inconsistency and absurdity. An *untitled* nobility forming a member of the state, had been exemplified in some commonwealths of antiquity; such were the patricians in Rome. But a titled nobility, without legal privileges, or political existence, would have been a monster new in the annals of legislative absurdity. The power was possessed, without the bauble, by the Roman aristocracy; the bauble would have been reverenced, while the power was trampled on, if titles had been spared in France. A titled nobility is the most undisputed progeny of feudal barbarism. Titles had, in all nations, denoted offices; it was reserved for

Gothic Europe to attach them to ranks: yet this conduct of our remote ancestors admits explanation; for with them offices were hereditary, and hence the titles denoting them became hereditary too. But we, who have rejected hereditary office, retain an usage to which it gave rise, and which it alone could justify.

"So egregiously is this recent origin of titled nobility misconceived, that it has been even pretended to be necessary to the order and existence of society: a narrow and arrogant bigotry, which would limit all political remark to the Gothic states of Europe, or establish general principles on events that occupy so short a period of history, and manners that have been adopted by so slender a portion of the human race. A titled nobility was equally unknown to the splendid monarchies of Asia, and to the manly simplicity of the ancient commonwealths. It arose from the peculiar circumstances of modern Europe; and yet its necessity is now erected on the basis of universal experience, as if these other renowned and polished states were effaced from the records of history, and banished from the society of nations. 'Nobility is the Corinthian capital of polished states;' the august fabric of society is deformed and encumbered by such Gothic ornaments. The massy Doric that sustains it is labour; and the splendid variety of arts and talents, that solace and embellish life, form the decoration of its Corinthian and Ionic capitals."

The boldest, and at the same time the most permanent, reform effected by the constituent assembly, was that of the French church. No one of its measures was more vehemently reprobated in the "Reflections." It is defended with less passion, and equal vigour, in the Vindiciæ Gallicæ.

"The fate of the church, the second great corporation that sustained the French despotism, has peculiarly provoked the indignation of Mr. Burke. The dissolution of the church as a body, the resumption of its territorial revenues, and the new organisation of the priesthood, appear to him to be dictated by the union of robbery and irreligion, to glut the rapacity of the stock-jobbers, and to gratify the hostility of Atheists. All the outrages and proscriptions of ancient or modern tyrants vanish, in his opinion, in the comparison with this confiscation of the property of the Gallican church. Principles had, it is true, been on this subject explored, and reasons had been urged by men of genius, which vulgar men deemed irresistible. But with these reasons Mr. Burke will not deign to combat. 'You do not imagine, Sir,' says he to his correspondent, 'that I am going to compliment this *miserable description of persons* with any long discussion?' What immediately follows this contemptuous passage is so outrageously offensive to candour and urbanity, that an honourable adversary will disdain to avail himself of it. The passage itself, however, demands a pause. It alludes to an opinion of which, I trust, Mr. Burke did not know the origin. That the church lands were national property, was not first asserted among the Jacobins, or in the Palais Royal. The author of that opinion, the master of that wretched description of persons whom Mr. Burke disdains to encounter, was one whom he might have combated with glory, with confidence of triumph in victory, and without fear of shame in defeat. The author of that opinion was TURGOT!—a name now too high to be exalted by eulogy, or depressed by invective. That benevolent and philosophic statesman delivered it in the article *Fondation*, in the *Encyclopédie*, as the calm and disinterested opinion of a scholar, at a moment when he could have no view to palliate rapacity, or prompt irreligion. It was no doctrine contrived for the occasion by the agents of tyranny; it was a prin-

ciple discovered in pure and harmless speculation, by one of the best and wisest of men. I adduce the authority of Turgot, not to oppose the arguments (if there had been any), but to counteract the insinuations of Mr. Burke. The authority of his assertions forms a prejudice, which is thus to be removed before we can hope for a fair audience at the bar of reason. If he insinuates the flagitiousness of these opinions by the supposed vileness of their origin, it cannot be unfit to pave the way for their reception, by assigning them a more illustrious pedigree."

The following prophecy is subjoined by Sir James in a note:—

"Did we not dread the ridicule of political prediction, it would not seem difficult to assign its period. Church power (unless some revolution auspicious to priestcraft should replunge Europe in ignorance) will certainly not survive the nineteenth century."

The following, again, is Mackintosh's antagonist's *coup d'œil* of the Revolution:—

"Thus various are the aspects which the French Revolution, not only in its influence on literature, but in its general tenor and spirit, presents to minds occupied by various opinions. To the eye of Mr. Burke it exhibits nothing but a scene of horror. In his mind it inspires no emotion but abhorrence of its leaders, commiseration of their victims, and alarms at the influence of an event which menaces the subversion of the policy, the arts, and the manners of the civilised world. Minds who view it through another medium are filled by it with every sentiment of admiration and triumph,—of admiration due to splendid exertions of virtue, and of triumph inspired by widening prospects of happiness.

"Nor ought it to be denied by the candour of philosophy, that events so great are never so *unmixed* as not to present a *double* aspect to the acuteness and exaggeration of contending parties. The same ardour of passion which produces patriotic and legislative heroism becomes the source of ferocious retaliation, of visionary novelties, and precipitate change. The attempt were hopeless, to increase the fertility without favouring the rank luxuriance of the evil. He that on such occasions expects unmixed good, ought to recollect that the economy of nature has invariably determined the equal influence of high passions in giving birth to virtues and to crimes. The soil of Attica was remarked by antiquity as producing at once the most delicious fruits and the most virulent poisons. It is thus with the human mind; and to the frequency of convulsions in the ancient commonwealths, they owe those examples of sanguinary tumult and virtuous heroism which distinguish their history from the monotonous tranquillity of modern states. The passions of a nation cannot be kindled to the degree which renders it capable of great achievements, without endangering the commission of violences and crimes. The reforming ardour of a senate cannot be inflamed sufficiently to combat and overcome abuses, without hazarding the evils which arise from legislative temerity. Such are the immutable laws, which are more properly to be regarded as libels on our nature, than as charges against the French Revolution. The impartial voice of history ought, doubtless, to record the blemishes as well as the glories of that great event; and to contrast the delineation of it which might have been given by the specious and temperate *Toryism* of Mr. Hume, with that which we have received from the repulsive and fanatical invectives of Mr. Burke, might still be

amusing and instructive. Both these great men would be adverse to the Revolution; but it would not be difficult to distinguish between the undisguised fury of an eloquent advocate, and the well dissembled partiality of a philosophical judge. Such would, probably, be the difference between Mr. Hume and Mr. Burke, were they to treat on the French Revolution. The passions of the latter would only feel the excesses which had dishonoured it; but the philosophy of the former would instruct him that the human feelings, raised by such events above the level of ordinary situations, become the source of a guilt and a heroism unknown to the ordinary affairs of nations; that such periods are only fertile in those sublime virtues and splendid crimes which so powerfully agitate and interest the heart of man."

The Vindiciæ Gallicæ had two leading objects; first to defend the French Revolution, next to vindicate its English admirers. The great schism among the Whigs may be reduced to the question, Which of the two parties,—the opponents or the admirers of the French Revolution of 1789,—were the true Whigs of the English Revolution of 1688? This question was treated by Burke incidentally in the "Reflections," and afterwards in a separate publication. It is touched on as follows by Mackintosh:—

"The Revolution of 1688 is confessed to have established principles, by those who lament that it has not reformed institutions. It has sanctified the theory, if it has not insured the practice, of a free government. It declared, by a memorable precedent, the right of the people of England to revoke abused power, to frame the government, and bestow the crown. There was a time, indeed, when some wretched followers of Filmer and Blackwood lifted their heads in opposition. But more than half a century had withdrawn them from public contempt to the amnesty and oblivion which their innoxious stupidity had purchased.

"It was reserved for the latter end of the eighteenth century to construe these innocent and obvious inferences into libels on the constitution and the laws. Dr. Price had asserted (I presume without fear of contradiction), that the House of Hanover owes the crown of England to the choice of the people; that the Revolution has established our right 'to choose our own governors, to cashier them for misconduct, and to frame a government for ourselves.' The first proposition, says Mr. Burke, is either false or nugatory. If it imports that England is an elective monarchy, 'it is an unfounded, dangerous, illegal, and unconstitutional position.' If it alludes to the election of his Majesty's ancestors to the throne, it no more legalises the government of England than that of other nations, where the founders of dynasties have generally founded their claims on some sort of election. The first member of this dilemma merits no reply. The people may certainly, as they have done, choose hereditary rather than elective monarchy. They may elect a race instead of an individual. Their right is in all these cases equally unimpaired. It will be in vain to compare the pretended elections in which a council of barons, or an army of mercenaries, have imposed usurpers on enslaved and benighted kingdoms, with the solemn, deliberate, national choice of 1688. It is, indeed, often expedient to sanction these deficient titles by subsequent acquiescence. It is not among the projected innovations of France, to revive

the claims of any of the posterity of Pharamond and Clovis, or to arraign the usurpation of Pepin or Hugh Capet. Public tranquillity thus demands a veil to be drawn over the successful crimes through which kings have so often waded to the throne. But wherefore should we not exult, that the supreme magistracy of England is free from this blot; that, as a direct emanation from the sovereignty of the people, it is as legitimate in its origin as in its administration? Thus understood, the position of Dr. Price is neither false nor nugatory. It is not nugatory, for it honourably distinguishes the English monarchy among the governments of the world; and if it be false, the whole history of our Revolution must be a legend. The fact was shortly, that the Prince of Orange was elected King of England, in contempt of the claims, not only of the exiled monarch and his son, but of the Princesses Mary and Anne, the undisputed progeny of James II. The title of William III. was, then, clearly not *succession*; and the House of Commons ordered Dr. Burnet's tract to be burnt by the hands of the hangman for maintaining that it was *conquest*. There remains only *election*, for these three claims to royalty are all that are known among men. It is futile to urge, that the convention deviated very *slenderly* from the order of succession. The deviation was, indeed, slight, but it destroyed the principle, and established the right to deviate, — the point at issue. The principle that justified the elevation of William III. and the preference of the posterity of Sophia of Hanover to those of Henrietta of Orleans, would equally, *in point of right*, have vindicated the election of Chancellor Jeffries or Colonel Kirk. The *choice* was, like every other choice, to be guided by views of policy and prudence, but it was a choice still.

"From these views arose that repugnance between the conduct and the language of the Revolutionists, of which Mr. Burke has availed himself. Their conduct was manly and systematic. Their language was conciliating and equivocal. They kept measures with prejudice, which they deemed necessary to the order of society. They imposed on the grossness of the popular understanding by a sort of compromise between the constitution and the abdicated family. 'They drew a politic well-wrought veil,' to use the expression of Mr. Burke, over the glorious scene which they had acted. They affected to preserve a semblance of succession, to recur for the objects of their election to the posterity of Charles and James, that respect and loyalty might with less violence to public sentiment attach to the new sovereign. Had a Jacobite been permitted freedom of speech in the parliament of William III., he might thus have arraigned the Act of Settlement:—'Is the language of your statutes to be at eternal war with truth? Not long ago you profaned the forms of devotion, by a thanksgiving, which either means nothing, or insinuates a lie. You thanked Heaven for the preservation of a king and queen on the *throne of their ancestors*—an expression which either was singly meant of their descent, which was frivolous, or insinuated their hereditary right, which was false. With the same contempt for consistency and truth, we are this day called on to settle the crown of England on a princess of Germany, because she is the granddaughter of James I. If that be, as the phraseology insinuates, the *true* and *sole* reason of the choice, consistency demands that the words after "excellent" should be omitted, and in their place be inserted "Victor Amadeus, Duke of Savoy, married to the daughter of the most excellent Princess Henrietta, late Duchess of Orleans, daughter of our late sovereign lord Charles I. of glorious memory.' 'Do homage by loyalty in your actions, or abjure it in your words; avow the grounds of your conduct, and your manliness will be respected by those who detest your rebellion.' What reply Lord Somers or Mr. Burke could have devised to this philippic, I know not, unless they confessed that the

authors of the Revolution had one language for novices and another for adepts. Whether this conduct was the fruit of caution and consummate wisdom, or of a narrow, arrogant, and dastardly policy, which regarded the human race as only to be governed by being duped, it is useless to enquire, and might be presumptuous to determine; but it certainly was not to be expected that any controversy should have arisen by confounding their *principles* with their *pretexts*. With the latter, the position of Dr. Price has no connection; from the former, it is an infallible inference."

The phrase of cashiering kings for misconduct was one of the most bandied in the controversies of the Revolution. It conveyed the essence of the question put in the extreme, and levelled royalty by a familiar expression. Dr. Price first launched it in a political sermon which inflamed the passions of adverse parties, and drew upon its author all the anger and eloquence of Burke. The preacher is ably defended by Mackintosh.

"The next doctrine of this obnoxious sermon that provokes the indignation of Mr. Burke is, that the Revolution has established 'our right to cashier our governors for misconduct.' Here a plain man could have foreseen scarcely any diversity of opinion. To contend that the deposition of a king for the abuse of his powers did not establish a principle in favour of the like deposition when the like abuse should again occur, is certainly one of the most arduous enterprises that ever the heroism of paradox encountered. He has, however, not neglected the means of retreat. 'No government,' he tell us, 'could stand a moment, if it could be blown down with any thing so loose and indefinite as opinion of *misconduct*.' One might suppose, from the dexterous levity with which the word misconduct is introduced, that the partisans of democracy had maintained the expediency of deposing kings for every frivolous and venial fault, of revolting against a monarch for the choice of his titled or untitled valets, for removing his footmen, or his lords of the bedchamber. It would have been candid in Mr. Burke not to have dissembled what he must know, that by *misconduct* was meant that precise species of misconduct for which James II. was dethroned — a conspiracy against the liberty of his country.

"Nothing can be more weak than to urge the *constitutional irresponsibility* of kings or parliaments. The law can never suppose them responsible, because their responsibility supposes the dissolution of society, which is the annihilation of law. In the governments which have hitherto existed, the power of the magistrate is the only article in the social compact: destroy it, and society is dissolved. A legal provision for the responsibility of kings would infer, that the authority of laws could co-exist with their destruction. It is because they cannot be legally and constitutionally, that they must be morally and rationally, responsible. It is because there are no remedies to be found within the pale of society, that we are to seek them in nature; and throw our parchment chains in the face of our oppressors. No man can deduce a precedent of *law* from the Revolution; for law cannot exist in the dissolution of government. A precedent of reason and justice only can be established on it; and perhaps the friends of freedom merit the misrepresentation with which they have been opposed, for trusting their cause to such frail and frivolous auxiliaries, and for seeking in the profligate practices of men what is to be found in the sacred rights of nature. The system of lawyers is,

indeed, widely different; they can only appeal to usage, precedents, authorities, and statutes. They display their elaborate frivolity, their perfidious friendship, in disgracing freedom with the fantastic honour of a pedigree. A pleader at the Old Bailey, who would attempt to aggravate the guilt of a robber, or a murderer, by proving that King John, or King Alfred, punished robbery and murder, would only provoke derision. A man who should pretend that the reason why we had a right to property is, because our ancestors enjoyed that right 400 years ago, would be justly contemned. Yet so little is plain sense heard in the mysterious nonsense which is the cloak of political fraud, that the Cokes, the Blackstones, and Burkes, speak as if our right to freedom depended on its possession by our ancestors. In the common cases of morality, we would blush at such an absurdity: no man would justify murder by its antiquity, or stigmatise benevolence for being new. The genealogist who should emblazon the one as coeval with Cain, or stigmatise the other as upstart with Howard, would be disclaimed even by the most frantic partisan of aristocracy. This Gothic transfer of *genealogy* to truth or justice is peculiar to politics. The existence of robbery in one age makes its vindication in the next, and the champions of freedom have abandoned the stronghold of right for precedent, which, when the most favourable, is, as might be expected, from the ages which furnish it, feeble, fluctuating, partial, and equivocal. It is not because we *have* been free, but because we have a right to be free, that we ought to demand freedom. Justice and liberty have neither birth nor race, youth nor age. It would be the same absurdity to assert that we have a right to freedom because the Englishmen of Alfred's reign were free, as that three and three are six because they were so in the camp of Genghis Khan. Let us hear no more of this ignoble and ignominious pedigree of freedom. Let us hear no more of her Saxon, Danish, or Norman ancestors. Let the immortal daughter of reason, and of God, be no longer confounded with the spurious abortions that have usurped her name."

The Society of "the Friends of the People," for the purpose of obtaining a parliamentary reform, was instituted early in 1792, under the auspices of the present prime minister, then Mr. Grey. It comprised members of both houses of parliament, and some of the most eminent professional, literary, and mercantile men in England. Mackintosh was one of the original members, and became its secretary. The petition of this society presented to the House of Commons by Mr. Grey, in May, 1793, remained a deadly arrow, fast and festering, in the side of borough oligarchy from that period to the passing of the Reform Bill. The ultimate triumph of the facts and arguments, which it recorded with admirable compactness, is rather a disheartening proof of the slow progress of human reason, even in a country where reason is least trammelled, than a consoling one of the superior force of truth. There are, however, in the fluctuations of public opinion, the vicissitudes of political party, and the fortunes of party leaders, few events more curious than that it should be reserved for Lord Grey to carry into effect, in his advanced age, the principles of his early youth, after the awful lapse of forty years over his head, and after they had

been renounced or despaired of even by himself. Some have supposed that the petition was drawn up by Sir James Mackintosh: but that remarkable document does not bear the impress of his mind or style. It was written by the late Mr. Tierney. He, however, wrote several of the manifestoes, and conducted the correspondence of "the Friends of the People" with great ability. The well-known "Declaration of the Friends of the People" was written by him. A pamphlet written by him on the apostasy of Mr. Pitt from the cause of reform, obtained him from the Society a vote of thanks. He obtained also the honours of denunciation by the Attorney-General in parliament. That conservative law officer, Sir John Scott, now Lord Eldon, called upon the House of Commons, in 1795, to continue the suspension of the Habeas Corpus Act, as they feared the writings and principles of Paine, Mackintosh, Mrs. Wolstoncraft, and "the Friends of the People." In two years more the Vindiciæ Gallicæ were cited not only with respect, but as an authority, by the adversaries of reform. This change of tone drew the following observations from Mr. Fox: —

"An honourable gentleman," says he, "has quoted a most able book on the subject of the French Revolution, the work of Mr. Mackintosh; and I rejoice to see that gentleman begin to acknowledge the merits of that eminent writer; and that the impression that it made upon me at the time is now felt and acknowledged even by those who disputed its authority. The honourable gentleman has quoted Mr. Mackintosh's book on account of the observation which he made on the article which relates to the French elections. I have not forgotten the sarcasms that were flung out on my approbation of this celebrated work: that I was told of my 'new library stuffed with the jargon of the Rights of Man;' it now appears, however, that I did not greatly over-rate this performance, and that those persons now quote Mr. Mackintosh as an authority, who before treated him with splenetic scorn.

"Now, Sir, with all my sincere admiration of this book, I think the weakest and most objectionable passage in it is that which the honourable gentleman has quoted; I think it is that which the learned author would himself be the most desirous to correct. Without descending to minute and equivocal theories, and without enquiring further into the Rights of Man than what is necessary to our purpose, there is one position in which we shall all agree, — that man has the right to be well governed."

Sir James Mackintosh, on engaging actively in politics, renounced medicine, and entered himself of Lincoln's Inn. Called to the bar in 1795, he derived little emolument from his profession, but was not without resources. The death of an annuitant released the property left by his father from an absorbing charge; and he was enabled to raise money upon it, for his present necessities, by a mortgage. With his characteristic improvidence, he was about to sell it disadvantageously, but was dissuaded by his wife. He, at the same time, employed himself in contributions to the daily and periodical press; but, with his want of economy and prudence, and with

the expenses of a family, it will be readily supposed that he was often embarrassed.

His political opinions now underwent a change, which was variously judged. It has been ascribed to a visit of some days to Burke. There are two versions of the origin of his acquaintance with his great adversary. According to one account, he was induced to write to Burke, without having yet had any personal intercourse with him, a letter of recommendation or introduction of some third person: according to the other, Burke charged Doctor Lawrence with a long letter to him, containing an invitation to Beaconsfield. A change of religious opinion, under such circumstances, is credible for obvious reasons. But that the political conversion of Mackintosh should be effected in a few days, even by so eloquent and zealous a propagandist as Burke, can be brought within the limits of probability only by assuming that he had what physicians call a predisposition when he went to Beaconsfield. A humane man would naturally recoil from the turn of affairs in France, and humanity was predominant in the career of Sir James Mackintosh. Yet he might have recollected that, if the Revolution produced men of blood, religion had generated persecutors, and monarchy tyrants, to become as bloody scourges of the human race. The supposition that his political opinions were made thus suddenly to veer about, would shake his claim to that depth, firmness, and force of principles and character, which are the growth of the first order of minds. Other disgusts than those of Jacobinism and the Revolution may be easily conceived to have been felt by him. With talents and ambition, he had his fortune to make. Notwithstanding his intimacy with the leading Whigs, and their estimation of him, he was still but the pioneer of a party; and he must have found the cause of liberty and the people a barren service. The man who would attach himself to the Whigs, or serve the people, must not be dependent for his fortune upon either, if he would aspire to political station, or escape disgusts. What was Burke but the subaltern — the very slave of a party — and the pensioner of Lord Rockingham — degraded, rather than distinguished, by the paltry title of a privy counsellor? If Huskisson became a leading cabinet minister, and Canning the chief of an administration, it was because they renounced whiggism at the threshold of public life. Thus humanity, ambition, and his necessities may have predisposed Sir James Mackintosh to become a convert; and the knowledge of this predisposition would account for the spontaneous advances and invitation of Burke. His conversion, however, was not yet openly avowed, and he continued on terms of political and

personal intimacy with the leading Whigs. He professed an enthusiastic admiration of Burke's genius, without sharing his principles; and, on the death of that celebrated man, in 1797, asked Fox to move, in parliament, the erection of a monument to his memory. Mr. Fox declined being the mover, but expressed his readiness to support the motion if made by another.

Sir James Mackintosh appears to have cherished the memory of Burke with a feeling of affectionate piety. Dr. Parr had an acknowledged, or assumed, pre-eminence as a writer of Latin in what is called the lapidary style: recourse was had to the Foxite Doctor, probably through Sir James, for an epitaph on Burke, — a proof, by the way, that rhetoric is more consulted than truth in those mortuary eulogies. There is, in the published correspondence of Parr, a letter from Mackintosh on the subject of the epitaph, curious for the artifices of expression, and surcharged compliments, in which it was necessary to envelope the suggestion even of a critical doubt to the jealous Latinist. The letter professes to be a joint production, Mackintosh holding the pen.

"Scarlet, Sharp, and G. Philips, are in town. The two first are within your permission as to the epitaph, and my admiration is too warm for me not to be eager to communicate it to men so well qualified to feel its excellence. I need not tell you how they felt it. My wonder increases with familiarity, contrary to the common course of our feelings; but it is because I cannot peruse it or think of it without discovering new difficulties overcome, and new beauties attained. We all admire it so much, that we hope you will think us authorised to lay before you our doubts (we shall not call them criticisms) respecting one part of it. It is that which follows 'Critico,' and which I presume you mean to apply to the book on the Sublime and Beautiful.

"Our first doubt relates to the first line, 'qui verborum quotidianorum vim reconditam illustravit.' How is this praise peculiarly appropriate to the book? Has it any reference to our idiomatic style, or does it not rather refer to the philosophical illustration of terms which had been generally but vaguely used before? Our next difficulty relates to the third line, 'Adumbratas rerum imagines multo expressiores reddidit, multoque dilucidiores.' The construction of this line is easy, and the phraseology beautiful; but we are perplexed by the application of it to the work which it is designed to characterise. It seems to us capable of more than one meaning. This perplexity arises, no doubt, from our ignorance; but there will be many readers of the epitaph still more ignorant that we are."

Strong signs of the new faith of Mackintosh may be observed in his anonymous contributions at this period to the Reviews of the day. He wrote a great number of papers, and upon a great variety of subjects, in the Monthly Review. Among these are notices of Burke's "Letter to a Noble Lord," and "Thoughts on a Regicide Peace."

The contemplation of Burke's writings, genius, and afflictions appears to have inspired him with a sentiment of reverential kindness. He vindicates, by antiquarian research, the ancestor of the Duke of Bedford from the eloquent diatribe of his assailant, but condemns the provocation given, and writes with restraint and difficulty between the adverse distractions of party and private feeling,—the Whigs, the alarmists, Fox and Burke.

"All the writings of Mr. Burke possess so many powerful attractions, that even the irksome and ungrateful topics of personal altercation become interesting in his hands. The publication before us has taken its rise from a parliamentary discussion on his pension; a discussion, which (with the utmost respect for the noble persons with whom it originated) we always thought had too much the air of a harsh and unseemly proceeding. Many circumstances will suggest themselves to the unprejudiced mind, which might have been sufficient to silence any rigorous scrutiny into the merits of the present grant. The venerable age of a great man, his transcendent genius, his retirement from the world, his domestic calamities, ought surely to have prevailed over party resentment, and, perhaps, even to have disarmed the severity of public virtue herself. At least we might have expected a similar effect from similar causes, in generous and amiable natures, such as we most sincerely believe to be those of the Duke of Bedford and the Earl of Lauderdale. We agree with these noble persons in doubting the propriety, if not the legality, of applying the fund from which this pension is drawn to such a purpose; and we believe that Mr. Burke himself has severely felt (though he has not chosen to express it in this pamphlet) the mortification of receiving, as a clandestine gift, that which he expected to have been voted by parliament as an offering of national gratitude. In this honourable and parliamentary way, it would, probably, have been not merely allowed, but zealously supported, by Mr. Fox; the tenderness of whose friendship survives the connections of politics, and whose mind is so happily framed that he can feel the ardour of rivalship without jealousy, and display the activity of opposition without rancour. The behaviour of this great statesman towards the friend of so many years, amply justifies the character which has been delineated by the masterly pencil of Mr. Gibbon. 'I admired the powers of a superior man as they are blended, in his (Mr. Fox's) attractive character, with the softness and simplicity of a child. Perhaps no human being was ever more free from the taint of malevolence, vanity, or falsehood.'"

There are, in the same volume, short notices by Sir James Mackintosh of minor publications, which followed in the train of Burke's letter, offering homage or annoyance, both, for the most part, equally beneath that extraordinary man. The strictures of Sir James are tempered, sometimes, by personal acquaintance or public respect; but he is, in general, unsparing of his castigation and contempt. Among the pamphleteers whom he dismisses gently are Messrs. Street, Thelwall, and O'Brien. Gilbert Wakefield is censured by him in passing, with good taste and just respect. There is something curious in the comparison of his tone, as a critic, at this early period, with that of his later years. Latterly, his censure was qualified, his

praise unreserved; formerly, his praise was moderate, his censure unrestrained. He had then little indulgence for presumption or mediocrity. Among the objects of his critical severity was a prolific pamphleteer of the day, named Miles. Mr. Miles was scurrilous in his language, had the reputation of being not quite incorrupt in his practice, and is treated accordingly. A reply to him passes next in review:—"The author of this pamphlet," says the critic, "has retaliated on Mr. Miles in his own furious and abusive language." He then adds, "The style of this writer is indeed less intolerable than that of Mr. Miles, and the following retort is not without ingenuity. 'If you seriously propose any end from these extraordinary means, it must be to persuade the world that Mr. Burke meant, in the Duke of Bedford, to attack the whole aristocracy of the country. The falsity of such a deduction is too obvious to require refutation. As well might you say, that in attacking you, I meant to attack all the literary men of the day who have combated Mr. Burke, when, perhaps, there cannot be found in nature a greater contrast than a Mackintosh and a Miles.'" Such is the magic which can soften a reviewer, and seduce him into quotation: such the infirmity of authorship and of human nature;—not of Sir James Mackintosh. The following passage, from a notice of one of the adversaries of Burke, may be interesting as a specimen of the style in which Sir James distributed his severer justice,—and of the delirious imbecility of the pamphleteers of that day:—

"We could not without some astonishment proceed in reading this extraordinary and incomprehensible production, till we found the solution of the riddle in the fifth page. The writer there says, in a strain of obsequious politeness, which we believe was never before shown to any author by his answerer,—'My labours shall, I trust, be uniform. Where the antagonist is warm, I shall also be warm; where phlegmatic, I shall be phlegmatic; *where absurd, I shall exemplify that absurdity; if at any time, in any of his flights, he acts the madman, I shall even act that part too!*' After the last declaration, we can no longer wonder at any thing in the writings of this author. Of any other writer, who had made a less sublime declaration, we should have been strongly tempted to ask the meaning of those choice phrases with which this pamphlet abounds: 'ephemerous horrors of hideous self views,' p. 2.; 'the republic of *periodic* wit,' ib.; 'corybantiate shrieks,' p. 3.; 'champion of infernality,' p. 4.; 'dulciated minister,' p. 13. He tells us that Mr. Burke was 'in his closet a demagogue.' The idea of a man playing the part of a demagogue in his closet, haranguing *mobs* of *books*, and arranging *factions* of *chairs*, is unrivalled by any thing but the description, by Cervantes, of the unfortunate knight of *La Mancha* mistaking wine-skins for giants, and the wine for their blood. Forums and senate-houses used to be the scenes in which the character of the demagogue was displayed; and even the most restless and turbulent spirits were supposed, till the discoveries of Mr. Macleod appeared, to lay aside, in some measure, the demagogue, when they entered the quiet retreat of their closets."

The French convention gave way to the directory in 1795. Mr. Pitt sent Lord Malmesbury to negotiate with the Republic in 1796. The negotiator's instructions were so restricted or imperfect that he could not make one step in advance without fresh authority from London; and the Parisians said, his was a mission of bags and couriers. No reflecting person expected peace. Burke had lived for some time retired from the world, at Beaconsfield, broken down by parental sorrow, political disappointments, angry disputes, and bodily infirmities. The bare idea of peace with the regicide republic excited him to an access of distempered vigour, and he threw off a series of letters against the "regicide peace," with all the fervour of his eloquence and force of his genius in his best days. They are reviewed by Sir James Mackintosh with the same admiration of the author as in reviewing the "Letter to a Noble Lord," and with the same tacking course; bearing alternately upon war and peace, and settling in neither, but with a leaning to the former. He indirectly assimilates the position of Burke to that of Demosthenes rallying the degenerate Greeks in defence of their country; to Cicero, struggling to avert "an ignominious negotiation with a wretch who was then a rebel, and who soon afterwards became one of the most cruel and profligate of tyrants," to William III.; "a more recent and a domestic example," says Sir James, "mentioned by Mr. Burke, of which we equally applaud the patriotism and the wisdom." The name of King William acted like a spell upon the imagination of Sir James Mackintosh. Reviewing Burke's "Letters on a Regicide Peace," he starts off into the following elaborate and irrelevant panegyric on that prince: —

"The mind which has acquired a true relish for moral beauty will turn from more dazzling heroes, to admire the simplicity, the consistency, the usefulness, the solid wisdom, the calm and patient perseverance of his unostentatious and unboastful character. There is scarcely another instance of a man so singularly favoured by heaven, that no object of his ambition could ever be obtained, except by rendering signal services to mankind. Ambition and public virtue became in him the same principle, acting throughout his whole life for the same ends, and by the same means. They inspired him with that courageous wisdom which saved Holland, which delivered England, and which preserved Europe from the domination of Louis XIV. His life was a complete and uniform system; and it requires not only intrepid honesty but rare felicity in a political man, to be able to pursue for thirty years, with undeviating and undaunted constancy, amid the opposition of factions, the discontent of the people, and the most calamitous reverses of fortune, one noble object; that of maintaining the internal freedom and establishing the external security of nations. His zeal for religion was, during an intolerant age, pure from the spirit of persecution; his heroism was undebased by affectation or parade. He did for Europe much more

than he seemed to do. He contributed even by the defeats which he suffered to break the power of France, and to pave the way for the brilliant successes of the glorious war which followed. He formed and animated that grand alliance which could alone have set bounds to the ambition of Louis XIV., and to him a great part of its victories and of that general safety which was the happy fruit of these victories ought in justice to be ascribed: the glory has been reaped by Eugene and Marlborough, but much of the real merit belongs to the provident mind of William. If there be any man in the present age who deserves the honour of being compared with this great prince, it is George Washington. The merit of both is more solid than dazzling. The same plain sense, the same simplicity of character, the same love of their country, the same unaffected heroism, distinguish both these illustrious men; and both were so highly favoured by Providence as to be made its chosen instruments for redeeming nations from bondage. As William had to contend with greater captains, and to struggle with more complicated political difficulties, we are able more decisively to ascertain his martial prowess, and his civil prudence. It has been the fortune of Washington to give a more signal proof of his disinterestedness, as he has been placed in a situation in which he could without blame resign the supreme administration of that commonwealth which his valour had guarded in its infancy against foreign force, or which his wisdom has since guided through still more formidable domestic perils."

The same admiration of William III., the same views of his life and character, in almost the same language, will be found in the present work of Sir James Mackintosh. But it is the property of admiration to exaggerate merits, to leave faults out of view, to exalt human nature into ideal perfection; and the foregoing character, especially the comparison of William III. with Washington, is rather a rhetorical trial of eloquence and ingenuity, than the faithful delineation of a painter from history. In the anonymous and fugitive literature of a Review, this may be unimportant or excusable; but it biassed the mind of Sir James in his graver works. To abandon this digression, and return to the review: having touched on the contents of the publication, he gives the following character of the style and genius of Burke: —

"Such is the outline of this publication, of which, if it be considered merely as a work of literature, it might be sufficient to say, that it is scarcely surpassed in excellence by any of the happiest productions of the best days of its author. The same vast reach and comprehension of view; the same unbounded variety of allusion, illustration, and ornament, drawn from every province of nature and of science; the same unrivalled mastery over language; the same versatility of imagination, which at will transforms itself from sublime and terrific genius, into gay and playful fancy; the same happy power of relieving the harshness of political dispute, by beautiful effusions of sentiment, and of dignifying composition by grave and lofty maxims of moral and civil wisdom; the same inexhaustible ingenuity in presenting even common ideas under new and fascinating shapes; the same unlimited sway over the human passions, which fills us at his pleasure with indignation, with horror, or with pity,—which equally commands our

laughter or our tears; in a word, the same wit, humour, pathos, invention, force, dignity, copiousness, and magnificence, are conspicuous in this production, which will immortalise the other writings of Mr. Burke. There is nothing ordinary in his view of a subject: he has parts of all writers; he is one of whom, it may be said with the most strict truth, that no idea appears hackneyed in his hands; no topic seems common-place when he treats it. When the subject must (from the very narrowness of human conception, which bounds even the genius of Mr. Burke) be borrowed, the turn of thought and the manner of presenting it are his own: the attitude and drapery are peculiar to the master. It is, perhaps, scarcely becoming in us to animadvert on the *faults* of so great a writer; yet it is our duty to deliver our opinion on this subject with modesty, indeed, but with freedom. With faults in argument, with indecorum and intemperance in language, we have, at present, no concern. These are matters of which the consideration belongs to logic, to prudence, and to manners. We consider these letters now merely in the capacity of literary critics. He exerts the privilege of his reputation in the frequent adoption of all the licences of style; and though he often exercises with happy boldness his power over language, yet he sometimes abuses the renewal of antique phraseology. The use of language exclusively poetical, and, even of foreign idioms, is more frequent in this pamphlet, than in any of the former productions of the author: the first of these is, undoubtedly, one of the happiest artifices that can be employed to exalt and enrich the composition; yet it must be cautiously employed, if a writer would escape the charge of affectation, and if he be desirous of preserving the charms of ease and nature. The adoption of poetical language is a licence which can only be pardoned in writers of the first class, and which, if it be not used with the most sparing hand, has an inevitable tendency to confound all the distinguishing characters of the most different kinds of composition; to deprive prose of its sobriety, and to rob verse of that dignity which it derives from the appropriation of a peculiar phraseology to its use. The coinage of new words is, indeed, a prerogative which is due to great writers; but its existence could only be tolerated on account of its infrequent exercise. The intermixture of foreign idiom, we scarcely think even tolerable. The French structure of Hume's sentences, and the French phraseology of Bolingbroke, were justly, though severely, censured by Johnson, when he expressed his apprehension that 'we should soon be reduced to babble a dialect of France.' (*Preface to his Dictionary.*) It is in vain to say that the free use of licences enables us to express our ideas with more strength and felicity than is reconcilable with the preservation of a tame and frigid correctness. It is the part of a good writer not to acquiesce with indolent precipitation in the first glowing word which presents itself to his heated fancy, but to seek within the limits of propriety for language to convey his idea. The rules of good sense and taste are, indeed, restraints, but they are restraints which conduce to excellence, and to which a good writer must submit. He will struggle with the difficulty which they create, and will display his power and skill in vanquishing it. It comparatively is easy either to be vigorous without correctness, or correct without vigour: the art and merit of a good author consists in combining these two qualities. After all, if such licences were confined to those who have acquired such a right to employ them as Mr. Burke has obtained, the evil would be little. But the danger arises from the herd of imitators, who can neither copy nor discover his excellencies; but who can easily ape these defects; and who, if they be not speedily checked by severe criticism, and by the decided disapprobation of the public, threaten to destroy the purity of English idiom, and the propriety of English style."

Had Sir James written his great article on Burke, as it was called by Lord Byron, he could hardly have produced any thing superior for eloquence and fidelity to this early sketch. There is in it a force and freshness of touch which memory and imagination would in vain labour to recall. He developes another feature of the character, or, perhaps, rather a dominant idea in the mind of Burke, which well deserves to be reproduced.

" The following extract contains, we fear, not only a poignant and vigorous satire, but a just and correct statement of facts: —

" ' The creatures of the desk, and the creatures of favour, had no relish for the principles of the manifestoes. They promised no governments, no regiments, no revenues from whence emoluments might arise, by perquisite or by grant. In truth, the tribe of vulgar politicians are the lowest of our species. There is no trade so vile and mechanical as government in their hands. Virtue is not their habit. They are out of themselves in any course of conduct recommended only by conscience and glory. A large, liberal, and prospective view of the interests of states passes with them for romance; and the principles that recommend it, for the wanderings of a disordered imagination. The calculators compute them out of their senses. The jesters and buffoons shame them out of every thing grand and elevated. Littleness in object and in means, to them appears soundness and sobriety. They think there is nothing worth pursuit, but that which they can handle; which they can measure with a two-foot rule, which they can tell upon ten fingers.'

" This is a subject which, if we may judge from Mr. Burke's frequent recurrence to it in his writings, has often thwarted and exasperated him in his passage through life. It was likely to do so. His character is not only perfectly pure from the low vices of these vulgar politicians, but may possibly be suspected of some bias towards the opposite extreme. Perhaps something more of flexibility of character and accommodation of temper — a mind more broken down to the practice of the world — would have fitted him better for the exertion of that art which is the sole instrument of political wisdom, and without which the highest political wisdom is but barren speculation — we mean the art of guiding and managing mankind. The very passage before us, when we compare it with the general scheme of policy proposed by Mr. Burke, furnishes a remarkable proof of the truth of the observation which we have hazarded. How could Mr. Burke have forgotten that these vulgar politicians were the only tools with which he had to work, in reducing his scheme to practice? These creatures of the desk and creatures of favour unfortunately govern Europe. These narrow and selfish men were the sole instruments that could be employed in realising schemes, of which the success (according to Mr. Burke's own representation) depended on their disinterestedness. There were no other men possessed of power to carry the plan into execution. The ends of generosity were to be compassed alone through the agency of the selfish; and the objects of prospective wisdom were to be attained by the exertions of the short-sighted. There never was a project in which the means and the end were so fatally at variance. It was a scheme of policy, to be carried into execution by men who, from the statement of Mr. Burke, and from the very necessity of their character, must deride the whole plan as chimerical. It is surely not a little remarkable, that he, who as an observer of human life, has so admirably painted the character of these men, and, as a

speculative philosopher, has so well traced their conduct to its principles, should, as a practical politician, have so utterly overlooked the inefficiency of the only tools which he had to employ."

There is in the fulness and earnestness of this passage something like secret fellow-feeling. The ambition and pride of Mackintosh had already known disappointments and disgusts. He concludes with a panegyric on Fox, somewhat unexpectedly and awkwardly introduced; and suggested, perhaps, by the very consciousness of receding from him. The base-minded follow up their desertion of a party, a principle, or a friend, by malice and defamation;—better spirits are but the more scrupulously and studiously just, by way, perhaps, of disguising or atoning for their own infirmity even to themselves:—

"We cannot close a subject on which we are serious, even to melancholy, without offering the slender but unbiassed tribute of our admiration and thanks to that illustrious statesman, the friend of (what we must call) the better days of Mr. Burke, whose great talents have been devoted to the cause of liberty and of mankind; who, of all men, most ardently loves, because he most thoroughly understands, the British constitution; who has made a noble and memorable, though unavailing, struggle to preserve us from the evils and dangers of the present war; who is requited for the calumny of his enemies, the desertion of his friends, and the ingratitude of his country, by the approbation of his own conscience, and by a well-grounded expectation of the gratitude and reverence of posterity, who never can reflect on the event of this great man's counsels, without calling to mind that beautiful passage of Cicero, in which he deplores the death of his illustrious rival, Hortensius: *Si fuit tempus ullum cum extorquere arma posset e manibus* iratorum *civium* boni civis *auctoritas et oratio; tum profecto fuit cum* patrocinium pacis *exclusum est aut errore hominum aut timore.*"

In a subsequent number of the Monthly Review Mackintosh resumes the subject, for the purpose of controverting the opinions expressed in the eloquent war-whoop of Burke. It would seem to be an after-thought, and is executed in a tone of languor, disinclination, and humility.

Lord (then Mr.) Erskine's "View of the Causes and Consequences of the War," passed through the friendly ordeal of the Monthly Review, in the hands of Sir James Mackintosh. The aim of the reviewer was rather to manage or minister to the vanity of the author, than characterise his talents or his work, and no extract would instruct or interest the reader.

Gibbon's posthumous works, and Roscoe's "Life of Lorenzo de' Medici," are the only standard or important publications of the day, in literature, reviewed by him. In treating the latter, he scarcely goes out of the contents of the history, and does not characterise the historian otherwise than by general eulogies, coloured with the partiality of friendship. The reviewer, indeed, whatever his general reading, was not sufficiently acquainted with

the history of Italy in the various arts of civilisation at the period to follow and judge the author. To decide upon the merits of such a work, the critic should have gone over the ground trodden by the historian, and, perhaps, travelled even beyond him. Hence it is that so few reviews of works of research deserve credit and authority. There are doubtless exceptions, and two may be cited: the review of Dr. Wordsworth on the Eikon Basilike, by Sir James Mackintosh*, and that upon a passage of Dr. Lingard's "History of England," avowed by Mr. Allen.* But the critics, in both instances, were stimulated by the interests of personal controversy and their reputations.

The genius, the style, the character, and the opinions of Gibbon, would be expected to bring the faculties of Sir James Mackintosh into full play. He has merely noticed in passing a few traits of the man rather than of the writer, and has left almost untouched the historian of the Roman empire. The review, for the most part, contains only the substance of the Memoirs of Gibbon, extracted and compressed for the use of the reader. There are, however, a few passages which have the merits of eloquence and discrimination. After citing Gibbon's account of the theological fluctuations of Chillingworth, he remarks upon it as follows: —

"To this eloquent account we have only one objection, that it too lightly adopts that rumour which was propagated against Chillingworth by the bigots and impostors of his own age, of his having subsided into that philosophic indifference, which might have been honourable in the eyes of Mr. Gibbon, but which we do not believe to have been so in those of Chillingworth. To adopt the charges of bigots is not worthy of a philosopher. Chillingworth was called an infidel, by the zealots of his age, because he was moderate, candid, and rational; in the same manner that impostors, clad in the disguise of bigots, now call Priestley worse than an atheist! The Christianity of Chillingworth is certainly not altogether in dogma, and not at all in spirit, the same with that of Horsley: but it is perfectly coincident, both in doctrine and spirit, with the Christianity of Locke and Clarke, of Watson and Paley. As long as the religion of the Gospel continues to be professed and defended in its own genuine spirit, by the greatest masters of human reason, it can neither be exposed by the scoffs of enemies, nor even endangered by the fury of pretended friends."

"I was directed," says Gibbon, "to the writings of Swift and Addison. Wit and simplicity are their common attributes; but the style of Swift is supported by manly original vigour; that of Addison is adorned by the female graces of elegance and mildness. The perfect composition, the nervous language, the well turned periods of Dr. Robertson, inflamed me to the ambitious hope that I might one day tread in his footsteps. The calm

* Ed. Rev. No. LXXXVII.

philosophy, the careless inimitable beauties of his friend and rival, often forced me to close the volume with a mixed sensation of delight and despair." Upon this passage in the Memoirs of Gibbon the reviewer makes the following observation:—

"The reader will not learn without wonder that Swift and Addison were among the earliest models on which our celebrated historian laboured to form his taste and his style. If the composition of these writers continued to be the object of his imitation, the history of literature does not exhibit so striking an example of a man of such great talents so completely disappointed in his purpose. It may be observed that, even in the very act of characterising Swift and Addison, he has deviated not a little from that beautiful simplicity which is the peculiar distinction of those pure and classical writers. Nor can we think that Mr. Gibbon, however he may have in some measure emulated the historical merit, has exactly trodden in the literary footsteps of Dr. Robertson. Inferior, probably, to Mr. Gibbon, in the vigour of his powers; unequal to him, perhaps, in comprehension of intellect, and variety of knowledge; the Scottish historian has far surpassed him in simplicity and perspicuity of narration; in picturesque and pathetic description; in the sober use of figurative language; and in the delicate perception of that scarcely discernible boundary which separates ornament from exuberance, and elegance from affectation. He adorns more chastely in addressing the imagination; he narrates more clearly for the understanding; and he describes more affectingly for the heart. The *defects* of Dr. Robertson arise from a less vigorous intellect; the *faults* of Mr. Gibbon from a less pure taste. If Mr. Gibbon be the greater man, Dr. Robertson is the better writer."

Hume said in a letter to Gibbon, "Your use of the French tongue has led you into a style more poetical and figurative, and more highly coloured, than our language seems to admit of in historical composition: for such is the practice of the French writers, particularly the more modern ones, who illuminate their pictures more than custom will permit us." The following remarks of Sir J. Mackintosh, though perhaps not quite applicable to Gibbon, or quite just to the French writers of the age of Louis XV., are, in the abstract, most valuable, and profoundly just:—

"As France had attained, perhaps, somewhat sooner than Great Britain, the Augusta age of pure taste, so her degeneracy was proportionably more early. Those ingenious and happy turns of thought, which give an occasional and unaffected brilliancy to the productions of good writers, were pursued with such avidity, that the pages of French authors were crowded with showy conceits. That natural grandeur which belongs to the effusions of genius, betrayed a rabble of inferior writers into a perpetual effort, which produced nothing but a cold and insipid fustian. The passion for a degree of precision, perhaps greater than the freedom of popular discourse will admit, which is so natural in a speculative age, infected language with false refinement and fantastic subtilty. Even the variety and the extent of knowledge were injurious to taste; for it gave rise to allusions and similitudes drawn from sciences which must ever be inaccessible to the majority of readers, and thus produce a deviation from that address to the

universal sentiments and sympathy of mankind, which is an indispensable quality of good writing. Style became an art instead of a talent, and lost its value because it might be used without genius. The ornaments of composition, when they appear to be suggested by the occasion, and to flow from the imagination of the writer, are natural and charming; but, when they are perpetually repeated, they are viewed with indifference, and even with disgust, as the easy tricks of a rhetorician. In this stage of literary progress, the ear, rendered fastidious by the music of those finished periods which are artfully scattered throughout classical compositions, requires an effeminate preference of sound to energy and meaning, and produces a monotonous cadence, destructive of that very harmony to which so many other excellencies are sacrificed. Such is the progress, perhaps the inevitable progress, to which the literature of nations is subjected; and such are some of the faults, which, to the simple and austere taste of Mr. Hume, probably appeared to have infected, in some degree, the composition of Mr. Gibbon."

When Sir James Mackintosh wrote those observations, the age of Louis XIV. had an undisputed pre-eminence in French literature. The French writers of the succeeding epoch were charged with degeneracy and false taste, compared with their immediate predecessors. This depreciation of the age of Louis XV. may be ascribed to the writers themselves who figured in it. Voltaire, and the other men of genius, whose works constitute its literature, exalted their predecessors from generous admiration; the meaner multitude of scribblers, from envy of contemporary fame; and Europe took its tone from the universal voice of France. The share which the French philosophers of the eighteenth century were supposed to have in preparing the Revolution, increased the tendency to exalt an age in which genius prostrated itself with the same blind obedience before the altar and the throne. The high Protestant alarmists for social order in England forgot that the loyalty of that age in France was slavery, and its devotion idolatry. Even the antipathies of religion will give way, for a moment, to some other passion or interest still more grovelling. But opinion has been re-adjusted in France, and in other countries; a higher range and greater compass of intellect are conceded to the age of Louis XV.; and its writers are commended, not censured, for giving freedom and variety to French style. It is assuredly a merit, not a vice, in the literature of an age, to have produced, at the same time, the pure and perfect masterpieces of Voltaire, the redundant and impassioned eloquence of Rousseau, the style, emphatically so called, of Buffon, the sententious vigour and brilliant contrasts of Montesquieu. It is easy to impute vicious taste to Montesquieu or Gibbon; but there are few readers, competent to appreciate them, who would not hesitate before they indulged the wish that either the "Spirit of Laws," or the "Decline and Fall of the Roman Empire," had

been written in another style. This age, it is true, produced the glittering fustian of Thomas; but that of Louis XIV. had its Pradons and Cotins. The only pre-eminence of the boasted reign of Louis XIV. is in the drama. Corneille and Racine have found a rival, rather than an equal, in Voltaire; and Molière stands alone in unapproached supremacy.

Sir James Mackintosh, in 1797, put forth the prospectus of a course of lectures to be delivered by him on the Law of Nature and Nations. His object may have been to exercise his faculties on a subject which should bring him profit and fame in a region beyond the strife and passions of political party. He had not the temperament of a tribune of the people: — "My nature, perhaps," says he, in a letter written from India to the Baptist minister, Robert Hall, "would have been better consulted, if I had been placed in a quieter station, where speculation might have been my business, and visions of the fair and good my chief recreation." This distinctive constitutional peculiarity should not be omitted among the causes of what has been called his conversion. The *Vindiciæ Gallicæ* may have been the result of a transient access of enthusiasm, alien to his nature. A barrister of Lincoln's Inn, he requested the use of the Hall for the delivery of his lectures. He was still in the odour of Jacobinism with the Benchers, and they refused him the use of their Hall. Lord Rosslyn, then Chancellor, and Sir John Scott (Lord Eldon), Attorney General, signified their pleasure to the Benchers; and the latter, as might be expected, obsequiously complied. The liberality of the actual and future Chancellors has been opposed to the meanness of the Benchers. Lord Rosslyn and Sir John Scott may have been really more liberal, but they were also better informed. They knew well the change which had come over the mind of Mackintosh, and had no fear that the Hall of Lincoln's Inn would undergo the desecration of Jacobinism. He delivered and published, nearly at the same time, his introductory lecture. It obtained high, and universal, and merited praise. Members of the government were among his chief admirers and eulogists. Lords Rosslyn and Melville, Mr. Addington, Mr. Canning, and Mr. Pitt himself, wrote him letters of compliment. No course of lectures was remembered to have found an audience so distinguished. From twenty-five to thirty peers, double the number of commoners, and a crowd of the most learned and accomplished persons in the metropolis, were attracted to Lincoln's Inn Hall. The subject, however, was unattractive to an English auditory. The English have no taste for enquiries essentially speculative, which neither admit of demonstrative certainty nor practical results. If political economy has obtained some favour, it is only because

it is associated with the wealth of nations and of individuals. Accordingly, the lectures of Sir James, though they continued to be praised, ceased to be followed. They can now be judged only by the opening lecture. It is equal in profound thought and range of information, superior, perhaps, in method and order, to any thing which he has produced. He begins with a somewhat sarcastic apology to the Bar for this unprofessional employment of his time and talents.

"I have always been unwilling to waste, in unprofitable inactivity, that leisure which the first years of my profession usually allow, and which diligent men, even with moderate talents, might often employ in a manner neither discreditable to themselves, nor wholly useless to others. Desirous that my own leisure should not be consumed in sloth, I anxiously looked about for some way of filling it up, which might enable me, according to the measure of my humble abilities, to contribute somewhat to the stock of general usefulness. I had long been convinced that public lectures, which have been used in most ages and countries, to teach the elements of almost every part of learning, were the most convenient mode in which these elements could be taught; that they were the best adapted for the important purposes of awakening the attention of the student, of abridging his labours, of guiding his enquiries, of relieving the tediousness of private study, and of impressing on his recollection the principles of science. I saw no reason why the Law of England should be less adapted to this mode of instruction, or less likely to benefit by it, than any other part of knowledge.

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"It appeared to me that a course of lectures on another science closely connected with all liberal professional studies, and which had long been the subject of my own reading and reflection, might not only prove a most useful introduction to the Law of England, but might also become an interesting part of general study, and an important branch of the education of those who were not destined for the profession of the law. I was confirmed in my opinion by the assent and approbation of men, whose names, if it were becoming to mention them on so slight an occasion, would add authority to truth, and furnish some excuse even for error. Encouraged by their approbation, I resolved without delay to commence the undertaking, of which I shall now proceed to give some account; without interrupting the progress of my discourse by anticipating or answering the remarks of those who may, perhaps, sneer at me for a departure from the usual course of my profession, because I am desirous of employing in a rational and useful pursuit that leisure, of which the same men would have required no account, if it had been wasted on trifles, or even abused in dissipation."

After tracing, or rather glancing over, the origin and progress of the science up to the seventeenth century, he thus characterises its modern founder: —

"The reduction of the Law of Nations to a system was reserved for Grotius. It was by the advice of Lord Bacon and Peiresc, that he undertook this arduous task. He produced a work which we now, indeed, justly deem imperfect, but which is, perhaps, the most complete that the world has yet owed, at so early a stage in the progress of any science, to the genius and learning of one man. So great is the uncertainty of

posthumous reputation, and so liable is the fame, even of the greatest men, to be obscured by those new fashions of thinking and writing, which succeed each other so rapidly among polished nations, that Grotius, who filled so large a space in the eye of his contemporaries, is now, perhaps, known to some of my readers only by name. Yet, if we fairly estimate both his endowments and his virtues, we may justly consider him as one of the most memorable men who have done honour to modern times. He combined the discharge of the most important duties of active and public life, with the attainment of that exact and various learning which is generally the portion only of the recluse student. He was distinguished as an advocate and a magistrate, and he composed the most valuable works on the law of his own country; he was almost equally celebrated as an historian, a scholar, a poet, and a divine; a disinterested statesman, a philosophical lawyer, a patriot who united moderation with firmness, and a theologian who was taught candour by his learning. Unmerited exile did not damp his patriotism; the bitterness of controversy did not extinguish his charity. The sagacity of his numerous and fierce adversaries could not discover a blot on his character; and in the midst of all the hard trials and galling provocations of a turbulent political life, he never once deserted his friends when they were unfortunate, nor insulted his enemies when they were weak. In times of the most furious civil and religious faction he preserved his name unspotted, and he knew how to reconcile fidelity to his own party with moderation towards his opponents. Such was the man who was destined to give a new form to the Law of Nations, or rather to create a science, of which only rude sketches and indigested materials were scattered over the writings of those who had gone before him. By tracing the laws of his country to their principles, he was led to the contemplation of the law of nature, which he justly considered as the parent of all municipal law."

He next gives an admirable *coup d'œil* of the advantages which the jurists of the eighteenth had over those of the preceding century: —

"Nor is this the only advantage which a writer of the present age would possess over the celebrated jurists of the last century. Since that time, vast additions have been made to the stock of our knowledge of human nature. Many dark periods of history have since been explored. Many hitherto unknown regions of the globe have been visited and described by travellers and navigators not less intelligent than intrepid. We may be said to stand at the confluence of the greatest number of streams of knowledge, flowing from the most distant sources, that ever met at one point. We are not confined, as the learned of the last age generally were, to the history of those renowned nations who are our masters in literature. We can bring before us man in a lower and more abject condition than any in which he was ever before seen. The records have been partly opened to us of those mighty empires of Asia, where the beginnings of civilisation are lost in the darkness of an unfathomable antiquity. We can make human society pass in review before our mind, from the brutal and helpless barbarism of *Terra del Fuego*, and the mild and voluptuous savages of Otaheite, to the tame, but ancient and immovable, civilisation of China, which bestows its own arts on every successive race of conquerors,—to the meek and servile natives of Hindostan, who preserve their ingenuity, their skill, and their science, through a long series of ages, under the yoke of foreign tyrants — to the gross and incorrigible rudeness of the Ottomans, incapable of improvement, and extinguishing the remains of civilisation among their unhappy subjects, once the most ingenious nations of the earth. We can

examine almost every imaginable variety in the character, manners, opinions, feelings, prejudices, and institutions of mankind, into which they can be thrown, either by the rudeness of barbarism, or by the capricious corruptions of refinement, or by those innumerable combinations of circumstances, which, both in these opposite conditions, and in all the intermediate stages between them, influence or direct the course of human affairs. History, if I may be allowed the expression, is now a vast museum, in which specimens of every variety of human nature may be studied. From these great accessions to knowledge, lawgivers and statesmen, but, above all, moralists and political philosophers, may reap the most important instruction. They may plainly discover, in all the useful and beautiful variety of governments and institutions, and under all the fantastic multitude of usages and rites which have prevailed among men, the same fundamental, comprehensive truths, the sacred master-principles which are the guardians of human society, recognised and revered (with few and slight exceptions) by every nation upon earth, and uniformly taught (with still fewer exceptions) by a succession of wise men, from the first dawn of speculation to the present moment. The exceptions, few as they are, will, on more reflection, be found rather apparent than real. If we could raise ourselves to that height from which we ought to survey so vast a subject, these exceptions would altogether vanish; the brutality of a handful of savages would disappear in the immense prospect of human nature, and the murmurs of a few licentious sophists would not ascend to break the general harmony. This consent of mankind in first principles, and this endless variety in their application, which is one among many valuable truths which we may collect from our present extensive acquaintance with the history of man, is itself of vast importance. Much of the majesty and authority of virtue is derived from their consent, and almost the whole of practical wisdom is founded on their variety."

He now prepares and invites his hearers and the reader by simplifying and defining the science of morals:—

"The being whose actions the law of nature professes to regulate, is man. It is on the knowledge of his nature that the science of his duty must be founded. It is impossible to approach the threshold of moral philosophy, without a previous examination of the faculties and habits of the human mind. Let no reader be repelled from this examination, by the odious and terrible name of *metaphysics*; for it is, in truth, nothing more than the employment of good sense in observing our own thoughts, feelings, and actions; and when the facts which are thus observed, are expressed, as they ought to be, in plain language, it is, perhaps, above all other sciences, most on a level with the capacity and information of the generality of thinking men. When it is thus expressed, it requires no previous qualification but a sound judgment, perfectly to comprehend it; and those who wrap it up in a technical and mysterious jargon, always give us strong reason to suspect that they are not philosophers, but impostors. Whoever thoroughly understands such a science, must be able to teach it plainly to all men of common sense. The proposed course will therefore open with a very short, and, I hope, a very simple and intelligible account of the powers and operations of the human mind. By this plain statement of facts, it will not be difficult to decide many celebrated, though frivolous, and merely verbal controversies, which have long amused the leisure of the schools, and which owe both their fame and their existence to the ambiguous obscurity of scholastic language. It will, for example, only require an ap-

peal to every man's experience, to prove that we often act purely from a regard to the happiness of others, and are therefore social beings; and it is not necessary to be a consummate judge of the deceptions of language, to despise the sophistical trifler, who tells us, that, because we experience a gratification in our benevolent actions, we are therefore exclusively and uniformly selfish. A correct examination of facts will lead us to discover that quality which is common to all virtuous actions, and which distinguishes them from those which are vicious and criminal. But we shall see that it is necessary for man to be governed, not by his own transient and hasty opinion upon the tendency of every particular action, but by those fixed and unalterable rules which are the joint result of the impartial judgment, the natural feelings, and the embodied experience of mankind. The authority of these rules is, indeed, founded only on their tendency to promote private and public welfare; but the morality of actions will appear solely to consist in their correspondence with the rule. By the help of this obvious distinction we shall vindicate a just theory, which, far from being modern, is, in fact, as ancient as philosophy, both from plausible objections, and from the odious imputation of supporting those absurd and monstrous systems which have been built upon it. Beneficial tendency is the foundation of rules, and the criterion by which habits and sentiments are to be tried; but it is neither the immediate standard, nor can it ever be the principal motive, of action. An action, to be completely virtuous, must accord with moral rules, and must flow from our natural feelings and affections, moderated, matured, and improved into steady habits of right conduct."

Having taken a general view of the subject, he states in detail the order and distribution which he proposes to follow, and concludes with a passage, which characterises him as a philosopher, and does honour to him as a man: —

"I know not whether a philosopher ought to confess, that in his enquiries after truth he is biassed by any consideration; even by the love of virtue. But I, who conceive that a real philosopher ought to regard truth itself, chiefly on account of its subserviency to the happiness of mankind, am not ashamed to confess, that I shall feel a great consolation at the conclusion of these lectures, if, by a wide survey and an exact examination of the conditions and relations of human nature, I shall have confirmed but one individual in the conviction, that justice is the permanent interest of all men and of all commonwealths. To discover one new link of that eternal chain by which the Author of the universe has bound together the happiness and the duty of his creatures, and indissolubly fastened their interests to each other, would fill my heart with more pleasure than all the fame with which the most ingenious paradox ever crowned the most eloquent sophist.

"I shall conclude this discourse in the noble language of two great orators and philosophers, who have, in a few words, stated the substance, the object, and the result of all morality, and politics, and law.

"'Nihil est quod adhuc de republicâ putem dictum, et quo possim longius progredi, nisi sit confirmatum, non modo falsum esse illud, sine injuriâ non posse, sed hoc verissimum, sine summâ justitiâ rempublicam regi non posse.'—*Cic. Frag.* lib. iii. *de Repub.*

"'Justice is itself the great standing policy of civil society; and any eminent departure from it, under any circumstances, lies under the suspicion of being no policy at all.'—*Burke's Works*, vol. iii. p. 207."

This course of lectures not only established his reputation, but opened a way for him to fortune. An under-secretaryship is said to have been proposed to him by Mr. Pitt. It is certain that Mr. Canning, who was his personal friend, called upon him with an offer of official patronage and place from the Minister. He declined the offer, it was said, from reluctance to sever himself so palpably from Mr. Fox. It may be thought strange that he, who rejected place from Pitt, should accept it from Addington; but it will presently appear that his refusal could not have been absolute, and that his name was placed upon the Minister's list among those who were to be provided for.

If his lectures propitiated the champions of social order, so called, they provoked the resentment of the more vehement of his early political friends. He appears to have avowed expressly that his political opinions had undergone a change, and he was reproached with it. His introductory lecture alone has been printed. Of the succeeding lectures, it is said that only the notes or heads from which he delivered them remain. There are no means of judging how far the lecturer on the law of nations disavowed the author of the "Vindiciæ Gallicæ." In the opening discourse, the following is the only passage which bears directly on the question. It must be confessed that his definition of liberty is not satisfactory, and that the developement which follows has an air of vagueness, ambiguity, and compromise.

"I have already given the reader to understand that the description of liberty which seems to me the most comprehensive, is that of *security against wrong*. Liberty is therefore the object of all government. Men are more free under every government, even the most imperfect, than they would be if it were possible for them to exist without any government at all: they are more secure from wrong, *more undisturbed in the exercise of their natural powers, and therefore more free, even in the most obvious and the grossest sense of the word*, than if they were altogether unprotected against injury from each other. But, as general security is enjoyed in very different degrees under different governments, those which guard it most perfectly are, by way of eminence, called *free*. Such governments attain most completely the end which is common to all government. A free constitution of government, and a good constitution of government, are, therefore, different expressions for the same idea.

"Another material distinction, however, soon presents itself. In most civilised states, the subject is tolerably protected against gross injustice from his fellows, by impartial laws, which it is the manifest interest of the sovereign to enforce. But some commonwealths are so happy as to be founded on a principle of much more refined and provident wisdom. The subjects of such commonwealths are guarded not only against the injustice of each other, but (as far as human prudence can contrive) against oppression from the magistrate. Such states, like all other extraordinary examples of public or private excellence and happiness, are thinly scattered over the different ages and

countries of the world. In them the will of the sovereign is limited with so exact a measure, that his protecting authority is not weakened. Such a combination of skill and fortune is not often to be expected, and indeed never can arise, but from the constant though gradual exertions of wisdom and virtue to improve a long succession of most favourable circumstances.

"There is, indeed, scarce any society so wretched as to be destitute of some sort of weak provision against the injustice of their governors. Religious institutions, favourite prejudices, national manners, have, in different countries, with unequal degrees of force, checked or mitigated the exercise of supreme power. The privileges of a powerful nobility, of opulent mercantile communities, of great judicial corporations, have, in some monarchies, approached more near to a control on the sovereign. Means have been devised, with more or less wisdom, to temper the despotism of an aristocracy over their subjects; and, in democracies, to protect the minority against the majority, and the whole people against the tyranny of demagogues. But, in these unmixed forms of government, as the right of legislation is vested in one individual or in one order, it is obvious that the legislative power may shake off all the restraints which the laws have imposed on it. All such governments, therefore, tend towards despotism, and the securities which they admit against misgovernment are extremely feeble and precarious. The best security which human wisdom can devise, seems to be the distribution of political authority among different individuals and bodies, with separate interests and separate characters, corresponding to the variety of classes of which civil society is composed, each interested to guard their own order from oppression by the rest; each also interested to prevent any of the others from seizing on exclusive, and therefore despotic power; and all having a common interest to co-operate in carrying on the ordinary and necessary administration of government. If there were not an interest to resist each other in extraordinary cases, there would not be liberty. If there were not an interest to co-operate in the ordinary course of affairs, there could be no government. The object of such wise institutions, which make the selfishness of governors a security against their injustice, is to protect men against wrong, both from their rulers and their fellows. Such governments are, with justice, peculiarly and emphatically called *free*; and, in ascribing that liberty to the skilful combination of mutual dependence and mutual check, I feel my own conviction greatly strengthened by calling to mind, that in this opinion I agree with all the wise men who have ever deeply considered the principles of politics; with Aristotle and Polybius, with Cicero and Tacitus, with Bacon and Machiavel, with Montesquieu and Hume.

"To the weight of these great names, let me add the opinion of two illustrious men of the present age, as both their opinions are combined by one of them in the following passage: — 'He,' Mr. Fox, 'always thought any of the simple unbalanced governments bad: simple monarchy, simple aristocracy, simple democracy; he held them all imperfect or vicious: all were bad by themselves: the composition alone was good. These had been always his principles, in which he agreed with his friend, Mr. Burke.' —*Mr. Fox on the Army Estimates.* 9th February, 1790.

"In speaking of both these illustrious men, whose names I here join, as they will be joined in fame by posterity, which will forget their temporary differences in the recollection of their genius and their friendship, I do not entertain the vain imagination that I can add to their glory by any thing that I can say: but it is a gratification to me to give utterance to my feelings; to express the profound veneration with which I am filled for the memory of the one, and the warm affection which I cherish for the other,

whom no one ever heard in public without admiration, or knew in private life without loving."

The secession of Mackintosh from the new, and his approximation to the old Whigs,—as the two divisions into which the party split were designated by Burke,—became daily more marked. He rebukes Priestley in a letter to Robert Hall, published in the life of that eloquent minister. "I had," he says, "last night, a conversation about the sermon with Mr. Windham, at the Duchess of Gordon's rout. He had recommended it to Lord Grenville, who seemed sceptical about any thing good coming from the pastor of a Baptist congregation. This, you see, is the unhappy impression which Priestley has made." That virtuous teacher of philosophy and freedom might surely dispense with the approbation, and disregard the censure, even of Lord Grenville. "I met," continues Sir James, in the same letter, "a combination in Ovid, the other day, which would have suited your sermon. Speaking of the human descendants of the giants, he says, —

——— Sed et illa propago
Contemptrix superûm sævæque avidissima cædis
Et violenta fuit. Scires e sanguine natos.

The union of ferocity with irreligion is agreeable to your reasoning."

It may be said that Sir James should not be judged rigorously by an effusion in a private letter, intended, perhaps, to minister in a harmless and kind spirit to the weakness of an author and a friend. But there are cited, in the same volume, as written by Sir James, two critical notices of the same sermon, in a spirit little consonant with the tolerant philosophy of his later, and the liberal zeal of his earlier, years. The first is from the "Monthly Review" for February, the second from the "British Critic" for August, 1800. In the former he denounces, with some moderation, a new sect of infidels, which, according to him, had arisen in that age, to revive and disseminate the detestable paradoxes which lay neglected in the forgotten volumes of Cardan and Spinoza. The following is the passage cited from the latter publication by the biographer of Robert Hall. The critic, it should be observed, is replying to Mr. Flower, editor of the Cambridge Chronicle, and author of strictures on the sermon which Mr. Hall had preached and published against "Modern Infidelity."

"Now, mark the conduct of this man. Mr. Hall, his townsman, and, as we understand, formerly his pastor, is well known to have lately published a most admirable sermon, in which he employed all the powers of reason, and all the vigour and splendour

of eloquence, in displaying the abominable consequences of Atheism. '*The very head and front of his offending hath this extent, no farther.*' His whole guilt consisted in this: that, being a minister of Christianity, he had the *illiberality* and cruelty to attack poor Atheism, and its meek and unbloody apostles, the amiable French republicans. For this great crime, this miserable scribbler attempts to raise a louder clamour against Mr. Hall, than has been raised against other dissenting ministers for renouncing their belief in God. Bishops may be libelled, kings may be slandered, all laws, human and divine, may be insulted and reviled; but France and Atheism are sacred things, which, it seems, no Englishman, or, at least, no dissenting minister, is to attack with impunity—which he cannot reason against without having his character stigmatised as a time-server; *the warm language of his youth cited against his more mature opinions;* and all the prejudices of his sect, or even of his congregation, artfully inflamed against his good name, his professional usefulness, and, perhaps, his professional existence. The black and fell malignity which pervades this man's attack on Mr. Hall, raises it to a sort of diabolical importance, of which its folly, and ignorance, and vulgarity, cannot entirely deprive it. This must be our excuse for stooping so low as to examine it.

"His first charge is, that Mr. Hall now speaks of the French Revolution in different language from that which he used in 1793. How many men have retained the same opinions on that subject? There may be some, and Mr. Benjamin Flower may be one; for there are men who have hearts too hard to be moved by crimes, or heads too stupid to be instructed by experience. The second accusation against Mr. Hall is, that he has imputed a great part of the horrors of the last ten years to the immoral, anti-social, and barbarising spirit of Atheism. Will this man deny, on principles of reason, that Atheism has such a tendency? If he does, what becomes of his pretended zeal for religion? Or will he, on the authority of experience, deny that Atheism has actually produced such effects? If he does, we refer him, not to Professor Robinson, or the Abbé Barruel, of whose labours he, as might be expected, speaks with real rancour and affected contempt; but to the works of Atheists and anarchists themselves, which he will think much better authority. Has he read the correspondence of Voltaire, of Diderot, of D'Alembert? Has he consulted any of the publications which have issued during the last ten years from the Paris press? Does he know that all the fanatical Atheists of Europe (and England is not free from this pest) almost publicly boast, that in thirty years no man in a civilised country will believe in God? Has he never heard that the miners of Cornwall were instigated to sell their clothes, in order to purchase the impious ravings of Tom Paine? or that they were gratuitously distributed among the people of Scotland, with such fatal effects, that a large body of that once religious people made a bonfire of their Bibles, in honour of the new apostle? Has he been informed that the London Corresponding Society (enlightened by the *Système de la Nature*, of which the translation was hawked in penny numbers at every stall in the metropolis) deliberated whether they ought not to uncitizen Tom Paine, for superstitiously professing *some* belief in the existence of God? DOES HE KNOW THAT THE SAME SOCIETY RESOLVED, THAT THE BELIEF OF A GOD WAS SO PERNICIOUS AN OPINION, AS TO BE AN EXCEPTION TO THE GENERAL PRINCIPLE OF TOLERATION? Does he perceive the mischievous and infernal art with which only Deism is preached to the deluded peasantry of Scotland, whilst Atheism is reserved for the more illuminated ruffians of London? ALL THIS, AND PROBABLY MUCH MORE, WE FEAR HE KNOWS BUT TOO WELL! Yet it is in the midst of these symptoms of a meditated re-

volt against all religion, and of bloody persecution practised wherever Atheists are strong, and projected where they are weak, against the Christian worship, and all its ministers of all sects and persuasions, that this man has the effrontery to make it a matter of accusation against Mr. Hall, that he exhorted nonconformists, *not to abandon their dissent*, but merely to unite their efforts with those of the church, in resisting the progress of Atheism. He, it seems, hates the church more than he loves religion. He has more zeal for dissent than for the belief of the existence of a Deity. His pious zeal would prefer slavery, under the disciples of *Condorcet* and *Volney*, to a temporary co-operation with the church which produced *Taylor* and *Barrow!* That such should be the sentiments of an obscure scribbler, is a matter of small moment; though, notwithstanding his complaints of the state of the press, this is the first time, since England was a nation, that any man would have dared to publish them."

The defence of humanity and religion against infidelity and ferocity was worthy, but the style and temper here displayed were not worthy, of Sir James Mackintosh. It might have occurred, or been replied to him, that though the union of ferocity with irreligion may have been, to use his own words, "agreeable to the reasoning" of an alarmist of that period, the union of ferocity with fanaticism was much more congenial, frequent, and cruel; that the French philosophy of the eighteenth century, thus stigmatised by him with the imputation of an immoral, anti-social, barbarising spirit, and savage appetite for blood, expunged the torture from the criminal procedure, — persecution from the criminal jurisprudence of France, — and brought the French Protestants within the pale of Christian society. He should have remembered that the obloquy of irreligion was cast upon himself before he became reconciled to the self-called champions of the altar and the throne, and that mere railing, even where the reproach of infidelity may be well founded, is the resource of dispute usually employed by persons of mean capacity, and base nature.

But an able and complete reply to the reviewer of the "British Critic" is supplied by the author of the *Vindiciæ Gallicæ*: —

"That the philosophers," says he, "did prepare the Revolution by their writings, it is the glory of its admirers to avow.

"What the speculative opinions of these philosophers were on remote and mysterious questions, is here of no importance. It is not as Atheists, or Theists, but as political reasoners, that they are to be considered in a political Revolution. All their writings on the subjects, of metaphysics and theology are foreign to the question. If Rousseau has had any influence in promoting the Revolution, it is not by his *Letters from the Mountain*, but by his *Social Contract*. If Voltaire contributed to spread liberality in France, it was not by his *Philosophical Dictionary*, but by his 'Defences of Toleration.' The obloquy of their Atheism (if it existed) is personal; it does not belong to the Revolution; for that event could neither have been promoted nor retarded by abstract discussions of theology. *The supposition of their conspiracy for*

the abolition of Christianity is one of the most extravagant chimeras that ever entered the human imagination. Let us grant their infidelity in the fullest extent. Their philosophy must have taught them that the passions, whether rational or irrational, from which religion arises, could be eradicated by no human power from the heart of man. Their incredulity must have made them indifferent what particular mode of religion might prevail. These philosophers were not the apostles of any new revelation that was to supplant the faith of Christ. They knew that the heart can on this subject bear no void, and they had no interest in substituting the Vedam, or the Koran, for the Gospel. They could have no reasonable motives to promote any revolution in the popular faith. Their purpose was accomplished when the priesthood was disarmed."

"Mr. Burke's remark on the English Free-thinkers is unworthy of him. It more resembles the rant by which priests inflame the languid bigotry of their fanatical adherents, than the calm, ingenuous, and manly criticism of a philosopher and a scholar. Had he made extensive enquiries among his learned friends, he must have found many who read and admired Collins's incomparable tract on Liberty and Necessity. Had he looked abroad into the world, he would have found many who still read the philosophical works of Bolingbroke, not as philosophy, but as eloquent and splendid declamation. What he means by 'their successors,' I will not conjecture. I will not suppose that, with Dr. Hurd, he regards David Hume as 'a puny dialectician from the North!' yet it is hard to understand him in any other sense."

The angry tone, and apparent bigotry, of the former of these extracts, may be accounted for, and, in some degree, excused. Hall was his friend, and the case was his own. He, too, was charged with the dereliction of his principles: this irritated him; and sallies of temper, such as the foregoing, should be viewed, not as indicative of his disposition, but as examples of that infirmity from which the best constituted minds are not exempt.

Sir James sought practice at the bar, but obtained little in the Courts of Westminster. His business was chiefly before Parliamentary Committees. He no doubt performed the duties of counsel with ability, but his opportunities did not admit of his particularly distinguishing himself. A single speech, in a memorable case, brought him the reputation of being a forensic orator of the first order; and the translation of it, by Madame de Staël, into French, obtained him European celebrity. He deserved his celebrity, but his claim to be regarded as a master in the art of advocacy is more doubtful. It is necessary to refer for a moment to the occasion and merits of this applauded speech.

Bonaparte had become First Consul of the French republic, and made peace with England. Peltier, a French emigrant, and agent of the Bourbons, printed in London a French newspaper, called the "Ambigu," chiefly for the purpose of dissemination in France. It contained in the

form of an ode, pretending to be written by Chenier, an instigation to assassinate the First Consul. He applied for redress to the government and laws of England: the Attorney-General filed a criminal information; and Peltier was brought to trial before Lord Ellenborough, in February, 1803. He selected Mackintosh for his leading counsel, in order to afford a splendid opportunity to a friend. It required the intrepidity of conscious talent, with Mackintosh's want of experience and station at the bar, to take this lead. The vast range of topics, and elaborate composition, prove that the advocate employed much time in preparation, and strained his faculties to the utmost. But for this, among other reasons, his speech is a failure as a piece of forensic oratory. The views are too ambitious; the topics and the knowledge are vast and various, but sometimes irrelevant; the eloquence is overwrought, and the rhetoric that rather of an essayist than of an orator. In his wide survey of the French Revolution, the consular government, and the state of Europe, with more than a due proportion of political philosophy and eloquent abstraction, he loses sight of his client and the case, and the jury of course lose sight of him. His speech is a dissertation, a tract, a splendid piece of political literature—any thing but a pleading. It wants the ingenious turns, the happy movements, the dexterous play upon the imagination or the passions, which distinguish the forensic artist. The following passages are selected to display the speaker's, or rather the writer's, talents,—not to illustrate these remarks. After passing the several states of Europe in review,—Holland, Switzerland, the Italian States, their past liberty and present thraldom,—he returns to England, and to Westminster Hall, with the inference—that the present was the first of a series of conflicts between the greatest power in the world and the only free press remaining in Europe. The passage is not only eloquent, but has a direct and dexterous bearing on the case, and is therefore one of the best in the speech.

"One asylum of free discussion is still inviolate. There is still one spot in Europe where man can freely exercise his reason on the most important concerns of society, where he can boldly publish his judgment on the acts of the proudest and most powerful tyrants: the press of England is still free. It is guarded by the free constitution of our forefathers. It is guarded by the hearts and arms of Englishmen; and I trust I may venture to say, that if it be to fall, it will fall only under the ruins of the British Empire.

"It is an awful consideration, gentlemen. Every other monument of European liberty has perished. That ancient fabric, which has been gradually reared by the wisdom and virtue of our fathers, still stands. It stands, thanks be to God! solid and entire—but it stands alone, and it stands amidst ruins.

"In these extraordinary circumstances, I repeat, that I must consider this as the first

of a long series of conflicts between the greatest power in the world, and the only free press remaining in Europe; and I trust that you will consider yourselves as the advanced guard of liberty, as having this day to fight the first battle of free discussion against the most formidable enemy that it ever encountered. You will, therefore, excuse me, if, on so important an occasion, I remind you, at more length than is usual, of those general principles of law and policy on this subject, which have been handed down to us by our ancestors."

A long, able, and irrelevant dissertation follows. The orator comes to the French Revolution.

"Gentlemen, the French Revolution—I must pause, after I have uttered words which present such an overwhelming idea. But I have not now to engage in an enterprise so far beyond my force as that of examining and judging that tremendous revolution. I have only to consider the character of the factions which it must have left behind it:—the French Revolution began with great and fatal errors. These errors produced atrocious crimes. A mild and feeble monarchy was succeeded by bloody anarchy, which very shortly gave birth to military despotism. France, in a few years, described the whole circle of human society.

"All this was in the order of nature:—when every principle of authority and civil discipline, when every principle which enables some men to command and disposes others to obey, was extirpated from the mind by atrocious theories, and still more atrocious examples; when every old institution was trampled down with contumely, and every new institution covered in its cradle with blood; when the principle of property itself, the sheet-anchor of society, was annihilated; when, in the persons of the new possessors, whom the poverty of language obliges us to call proprietors, it was contaminated in its source by robbery and murder, and it became separated from that education and those manners, from that general presumption of superior knowledge and more scrupulous probity, which form its only liberal titles to respect; when the people were taught to despise every thing old, and compelled to detest every thing new, there remained only one principle strong enough to hold society together—a principle utterly incompatible, indeed, with liberty, and unfriendly to civilisation itself—a tyrannical and barbarous principle, but, in that miserable condition of human affairs, a refuge from still more intolerable evils—I mean the principle of military power, which gains strength from that confusion and bloodshed in which all the other elements of society are dissolved, and which, in these terrible extremities, is the cement that preserves it from total destruction.

"Under such circumstances, Bonaparte usurped the supreme power in France. I say *usurped*, because an illegal assumption of power is an usurpation. But usurpation, in its strongest moral sense, is scarcely applicable to a period of lawless and savage anarchy. The guilt of military usurpation, in truth, belongs to the authors of those confusions which sooner or later give birth to such an usurpation."

It is obvious that the advocate of Peltier retained of the author of the Vindiciæ only his talent. No licence of advocacy will account for opposition so violent and complete, without a complete change of principles, or, it may be more fair to say, of opinions. The speaker delivers himself not with the reserve, management, and adroitness of a mere advocate acting

a part, but with studious, elaborate, and gratuitous ostentation. He travels out of the road; he digresses, dilates, and exaggerates like one making a profession of faith, of which the sincerity might be suspected, because it was not always his: —

"In a word, gentlemen, the great body of the people of France have been severely trained in those convulsions and proscriptions which are the school of slavery. They are capable of no mutinous, and even of no bold and manly political sentiments. And if this Ode professed to print their opinions, it would be a most unfaithful picture. But it is otherwise with those who have been the actors and leaders in the scene of blood; it is otherwise with the numerous agents of the most indefatigable, searching, multiform, and omnipresent tyranny that ever existed, which pervaded every class of society, which had ministers and victims in every village in France.

"Some of them, indeed — the basest of the race — the Sophists, the Rhetors, the Poet-laureats of murder — who were cruel only from cowardice and calculating selfishness, are perfectly willing to transfer their venal pens to any government that does not disdain their infamous support. These men, republicans from servility, who published rhetorical panegyrics on massacre, and who reduced plunder to a system of ethics, are as ready to preach slavery as anarchy. But the more daring — I had almost said the more respectable — ruffians cannot so easily bend their heads under the yoke. These fierce spirits have not lost 'the unconquerable will, the study of revenge, immortal hate.' They leave the luxuries of servitude to the mean and dastardly hypocrites, to the Belials and Mammons of the infernal faction. They pursue their old end of tyranny under their old pretext of liberty. The recollection of their unbounded power renders every inferior condition irksome and vapid, and their former atrocities form, if I may so speak, a sort of moral destiny which irresistibly impels them to the perpetration of new crimes. They have no place left for penitence on earth; they labour under the most awful proscription of opinion that ever was pronounced against human beings. They have cut down every bridge by which they could retreat into the society of men. Awakened from their dreams of democracy, the noise subsided that deafened their ears to the voice of humanity — the film fallen from their eyes which hid from them the blackness of their own deeds, — haunted by the memory of their inexpiable guilt — condemned daily to look on the faces of those whom their hands made widows and orphans — they are goaded and scourged by these real furies, and hurried into the tumult of new crimes, which will drown the cries of remorse; or, if they be too depraved for remorse, will silence the curses of mankind. Tyrannical power is their only refuge from the just vengeance of their fellow-creatures; murder is their only means of usurping power. They have no taste, no occupation, no pursuit, but power and blood. If their hands are tied, they must at least have the luxury of murderous projects. They have drunk too deeply of human blood ever to relinquish their cannibal appetite. Such a faction exists in France.

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"I have used the word *republican*, because it is the name by which this atrocious faction describes itself. The assumption of that name is one of their crimes. They are no more republicans than royalists; they are the common enemies of all human society. God forbid, that, by the use of that word, I should be supposed to reflect on

the members of those respectable republican communities which did exist in Europe before the French Revolution! That revolution has spared many monarchies, but it has spared no republic within the sphere of its destructive energy. One republic only now exists in the world — a republic of English blood, which was originally composed of republican societies, under the protection of a monarchy, which had therefore no great and perilous change in their internal constitution to effect, and of which (I speak it with pleasure and pride) the inhabitants, even in the convulsions of a most deplorable separation, displayed humanity as well as valour, which, I trust, I may say they inherited from their forefathers.

"Nor do I mean by the use of the word 'republican' to confound this execrable faction with all those who, in the liberty of private speculation, may prefer a republican form of government. I own, that, after much reflection, I am not able to conceive an error more gross than that of those who believe in the possibility of erecting a republic in any of the old monarchical countries of Europe, who believe that in such countries an elective supreme magistracy can produce any thing but a succession of stern tyrannies and bloody civil wars. It is a supposition which is belied by all experience, and which betrays the greatest ignorance of the first principles of the constitution of society. It is an error which has a false appearance of superiority over vulgar prejudice; it is therefore too apt to be attended with the most criminal rashness and presumption, and too easy to be inflamed into the most immoral and anti-social fanaticism. But as long as it remains a mere quiescent error, it is not the proper subject of moral disapprobation."

Having taken once more a vigorous flight over history, and paused upon its leading epochs, —the reigns and characters of Elizabeth, of Louis XIV., of William III.; the invasion of Holland, the peace of Ryswick, the partition of Poland, —he returns to the case, and approaches the close.

"I am aware, gentlemen, that I have already abused your indulgence, but I must entreat you to bear with me for a short time longer, to allow me to suppose a case which might have occurred, in which you will see the horrible consequences of enforcing rigorously principles of law, which I cannot contest against political writers. We might have been at peace with France during the whole of that terrible period which elapsed between August, 1792, and 1794, which has been usually called the reign of Robespierre! The only series of crimes, perhaps, in history, which, in spite of the common disposition to exaggerate extraordinary facts, has been beyond measure under-rated in public opinion. I say this, gentlemen, after an investigation which I think entitles me to affirm it with confidence. Men's minds were oppressed by the atrocity and the multitude of crimes; their humanity and their indolence took refuge in scepticism from such an overwhelming mass of guilt; and the consequence was, that all these unparalleled enormities, though proved, not only with the fullest historical, but with the strictest judicial evidence, were at the time only half believed, and are now scarcely half remembered. When these atrocities were daily perpetrating, of which the greatest part are as little known to the public in general as the campaigns of Genghis Khan, but are still protected from the scrutiny of men by the immensity of those voluminous records of guilt in which they are related, and under the mass of

which they will lie buried, till some historian be found with patience and courage enough to drag them forth into light, for the shame, indeed, but for the instruction of mankind; when these crimes were perpetrating—crimes which had the peculiar malignity, from the pretexts with which they were covered, of making the noblest objects of human pursuit seem odious and detestable—which had almost made the names of liberty, reformation, and humanity, synonymous with anarchy, robbery, and murder—which thus threatened not only to extinguish every principle of improvement, to arrest the progress of civilised society, and to disinherit future generations of that rich succession which they were entitled to expect from the knowledge and wisdom of the present, but to destroy the civilisation of Europe, which never gave such a proof of its vigour and robustness as in being able to resist their destructive power;—when all these horrors were acting in the greatest empire of the Continent, I will ask my learned friend, if we had then been at peace with France, how English writers were to relate them so as to escape the charge of libelling a friendly government?

"When Robespierre, in the debates in the National Convention on the mode of murdering their blameless sovereign, objected to the formal and tedious mode of murder called a trial, and proposed to put him immediately to death without trial '*on the principles of insurrection*,' because, to doubt the guilt of the king would be to doubt of the innocence of the Convention, and if the king were not a traitor, the Convention must be rebels; would my learned friend have had an English writer state all this with '*decorum and moderation?*' would he have had an English writer state, that though this reasoning was not perfectly agreeable to our national laws, or perhaps to our national prejudices, yet it was not for him to make any observations on the judicial proceedings of foreign states?

"When Marat, in the same Convention, called for 270,000 heads, must our English writers have said, that the remedy did, indeed, seem to their weak judgment rather severe; but that it was not for them to judge the conduct of so illustrious an assembly as the National Convention, or the suggestions of so enlightened a statesman as M. Marat?

"When that Convention resounded with applause at the news of several hundred aged priests being thrown into the Loire, and particularly at the exclamation of Carrier, who communicated the intelligence, '*what a revolutionary torrent is the Loire!*'—when these suggestions and narratives of murder, which have hitherto been only hinted and whispered in the most secret cabals, in the darkest caverns of banditti, were triumphantly uttered, patiently endured, and even loudly applauded by an assembly of 700 men, acting in the sight of all Europe—would my learned friend have wished that there had been found in England a single writer so base as to deliberate upon the most safe, decorous, and polite manner of relating all these things to his countrymen?

"When Carrier ordered 500 children under fourteen years to be shot, the greater part of whom escaped the fire from their size—when the poor victims ran for protection to the soldiers, and were bayoneted clinging round their knees, would my friend—but I cannot pursue the strain of interrogation—it is too much! it would be a violence which I cannot practise on my own feelings—it would be an outrage to my friend—it would be an affront to you—it would be an insult to humanity. No; better, ten thousand times better, would it be that every press in the world were burnt, that the very use of letters were abolished, that we were

returned to the honest ignorance of the rudest times—than that the results of civilisation should be made subservient to the purposes of barbarism,—than that literature should be employed to teach a toleration for cruelty, to weaken moral hatred for guilt, to deprave and brutalise the human mind. I know that I speak my friend's feelings as well as my own, when I say, God forbid that the dread of any punishment should ever make any Englishman an accomplice in so corrupting his countrymen —a public teacher of depravity and barbarity!"

It may be remarked that hitherto he has passed by the period of the Commonwealth and Protectorate. He reserved Cromwell for his conclusion, and concludes with him as follows: —

"In the court where we are now met, Cromwell twice sent a satirist on his tyranny to be convicted and punished as a libeller, and in this court, almost in sight of the scaffold streaming with the blood of his sovereign, within hearing of the clash of his bayonets, which drove out parliaments with contumely, two successive juries rescued the intrepid satirist* from his fangs, and sent out with defeat and disgrace the usurper's Attorney-General from what he had the insolence to call *his* court; even then, gentlemen, when all law and liberty were trampled under the feet of military banditti; when those great crimes were perpetrated on a high place and with a high hand against those who were the objects of public veneration, which, more than any thing else upon earth, overwhelm the minds of men, break their spirits, and confound their moral sentiments, obliterate the distinctions between right and wrong in their understanding, and teach the multitude to feel no longer any reverence for that justice which they thus see triumphantly dragged at the chariot wheels of a tyrant;—even then, when this unhappy country, triumphant indeed abroad, but enslaved at home, had no prospect but that of a long succession of tyrants wading through slaughter to a throne; — even then, I say, when all seemed lost, the unconquerable spirit of English liberty survived in the hearts of English jurors. That spirit is, I trust in God, not extinct; and if any modern tyrant were, in the drunkenness of his insolence, to hope to overawe an English jury, I trust and I believe that they would tell him, 'Our ancestors braved the bayonets of Cromwell; we bid defiance to yours. *Contempsi Catilinæ gladios; non pertimescam tuos!*'"

This short and vigorous passage, pointed by a classic quotation, and elevated by classic recollections, has been regarded as the happiest movement of the speech. But there appears a fatal deficiency in the citation and the parallel:—it is the want of application. Had the advocate told the jury, in plain English, that they and he were defying poniards or bayonets, they would have stared or laughed—and, pleading as the advocate of an apostle of assassination, he talked of defying assassins with a bad grace. Peltier was found guilty; but the war was soon renewed, and he was never called up for judgment.

* Colonel Lilburne.

This celebrated oration should be classed among the political writings of Sir James Mackintosh. It would form an interesting, as well as curious, pendant to the Vindiciæ Gallicæ. The reader, viewing the same objects and epochs represented under phases of such complete opposition, finds it almost impossible to imagine the personal identity of the writer with the speaker; whilst he, at the same time, discovers in every page the identity of style and faculty.

Sir James Mackintosh was now removed to a new and distant scene. It is necessary to revert for a moment to some incidents in his private life. He was visited by the severest domestic affliction in 1797. His wife died in the month of April of that year. It would imply an equal want of discretion and taste to say one word of her character and his grief in the same page with the following letter, written on the occasion by himself. It is addressed to Dr. Parr.

"I use the first moment of composure to return my thanks to you for having thought of me in my affliction. It was impossible for you to know the bitterness of that affliction; for I, myself, scarce knew the greatness of my calamity till it had fallen upon me; nor did I know the acuteness of my own feelings till they had been subjected to this trial. Alas! it is only now that I feel the value of what I have lost. In this state of deep but quiet melancholy, which has succeeded to the first violent agitations of sorrow, my greatest pleasure is to look back with gratitude and pious affection on the memory of my beloved wife; and my chief consolation is the soothing remembrance of her virtues. Allow me, in justice to her memory, to tell you what she was, and what I owed her. I was guided in my choice only by the blind affection of my youth, and might have formed a connection in which a short-lived passion would have been followed by repentance and disgust; but I found an intelligent companion, a tender friend, a prudent monitress; the most faithful of wives, and as dear a mother as ever children had the misfortune to lose. Had I married a woman who was easy or giddy enough to have been infected by my imprudence, or who had rudely and harshly attempted to correct it, I should, in either case, have been irretrievably ruined: a fortune, in either case, would, with my habits, have been only a shorter cut to destruction. But I met a woman, who by the tender management of my weaknesses gradually corrected the most pernicious of them, and rescued me from the dominion of a degrading and ruinous vice. She became prudent from affection; and, though of the most generous nature, she was taught economy and frugality

by her love for me. During the most critical period of my life, she preserved order in my affairs, from the care of which she relieved me; she gently reclaimed me from dissipation; she propped my weak and irresolute nature; she urged my indolence to all the exertions that have been useful and creditable to me; and she was perpetually at hand to admonish my heedlessness and improvidence. To her I owe that I am not a ruined outcast; to her whatever I am; to her whatever I shall be. In her solicitude for my interest, she never, for a moment, forgot my feelings or my character. Even in her occasional resentment, — for which I but too often gave just cause (would to God that I could recall these moments!), she had no sullenness or acrimony: her feelings were warm and impetuous, but she was placable, tender, and constant: she united the most attentive prudence with the most generous and guileless nature, with a spirit that disdained the shadow of meanness, and with the kindest and most honest heart. Such was she whom I have lost; and I have lost her when her excellent natural sense was rapidly improving, after eight years of struggle and distress had bound us fast together, and moulded our tempers to each other; when a knowledge of her worth had refined my youthful love into friendship, before age had deprived it of much of its original ardour. I lost her, alas! (the choice of my youth and the partner of my misfortunes) at a moment when I had the prospect of her sharing my better days. This, my dear Sir, is a calamity which the prosperity of the world cannot repair. To expect that any thing on this side of the grave can make it up, would be a vain and a delusive expectation. If I had lost the giddy and thoughtless companion of prosperity, the world could easily repair the loss; but I have lost the faithful and tender partner of my misfortunes; and my only consolation is in that Being under whose severe but paternal chastisement I am cut down to the ground. The philosophy which I have learned only teaches me that virtue and friendship are the greatest of human blessings, and that their loss is irreparable. It aggravates my calamity, instead of consoling me under it. My wounded heart seeks another consolation; governed by these feelings, which have, in every age and region of the world, actuated the human mind, I seek relief and I find it in the soothing hope and consolatory opinion, that a benevolent wisdom inflicts the chastisement, as well as bestows the enjoyments of human life; that superintending goodness will one day enlighten the darkness which surrounds our nature, and hangs over our prospects; that this dreary and wretched life is not the whole of man; that an animal so sagacious and provident, and capable of

such proficiency in science and virtue, is not like the beasts that perish; that there is a dwelling place prepared for the spirits of the just; and that the ways of God will yet be vindicated to man. The sentiments of religion which were implanted in my mind in my early youth, and which were revived by the awful scenes which I have seen passing before my eyes in the world, are, I trust, deeply rooted in my heart by this great calamity. I shall not offend your rational piety by saying that modes and opinions appear to me matter of secondary importance; but I can sincerely declare, that Christianity, in its genuine purity and spirit, appears to me the most amiable and venerable of all the forms in which the homage of man has ever been offered to the Author of his being. These sentiments have served somewhat to tranquillise me since I have been in this place (which is at present solitary enough for the state of my spirits), and will, I trust, soon enable me to resume my exertions in active life, which I owe to the hapless children of my dearest Catherine, and which I am fully sensible will be a truer performance of the sacred duty which I owe to her memory, than vain and barren lamentation. You will not wonder that I sometimes find a pleasing employment for my mind in thinking of those honours which are due to the memory of her whom I have lost. I have given directions for a marble tablet, on which it is my wish to inscribe a humble testimonial of her virtues; but I am divided in opinion whether the inscription shall be in Latin or English. English seems more unostentatious and more suitable to her sex, but Latin is better adapted to inscription, and I think it difficult to compose an English inscription, which shall be simple enough, without being meagre. I could judge better if I saw the attempt made in both languages. I shall myself try it in English. Will you, my dear Sir, send me a sketch of a Latin inscription? It is a thing of great moment in the hour of my affliction, and I hope you will not refuse to aid me in this labour of love. If I fix on the English, I shall send it to you for correction. The topics are so obvious that I need not suggest them: her faithful and tender discharge of the duties of a wife and a mother, my affliction, the irreparable loss to her orphans; these are the topics, with a solemn colouring of religion given to the whole. I cannot suppress my desire to expatiate on her worth, at greater length than may, perhaps, be consistent with the severe simplicity of a classical inscription; yet my feelings are too sincere to relish any thing rhetorical or ostentatious."

"I never," says Dr. Parr in reply, "received from mortal man a letter which, in point of composition, can be compared with that which

you wrote me the other day; and were you to read it yourself at some very remote period, you would be charmed with it as I have been, and you would say, as Cicero did of his work De Senectute, 'Ipse, mea legens, sic afficior interdum, ut Catonem, non me, loqui existimem.' I have myself sometimes experienced a similar effect from the less exceptionable parts of my own writing, long after their publication. I have read them as if they were the production of some other man, and the delight they give me in this calm and ripened state of the mind, is far more exquisite than the confused and tumultuous joy which I feel in the first ardour of composition. But I have to tell you, Sir, and it is with sincerity I tell you, that some of the impressions made by your letter are of a much higher order than the pleasures of taste. You have written seriously upon a serious event; you have ascended to the highest tone of thinking, and, expressing your thoughts upon subjects of the highest moment, to the highest capacities of our rational moral nature. You did not offend what is rational in my piety; you seized upon the sympathies of all that is ardent in my love or sincere in my veneration of that Almighty and Omniscient Being by whom we are made to listen, not to the deceitful suggestions of that cold and crooked philosophy which would impute this effect to the infirmity of man. It flows from a purer and a nobler source; it is the result of those calm and profound reflections by which we pass through difficulties to probability, through anxiety to hope, through a sense of our imperfect faculties to a sense of our indispensable duty.

"My opinion is, that an inscription, such a one, I mean, as would be most worthy of your character, most adapted to your feelings, and most satisfactory to your ultimate judgment, calls for the use of the Latin language. You know my sentiments, and from mine you probably have borrowed some of your own on the best form of epitaphs. The person of whom we are to speak was your wife, and the mother of your children. Let us speak of her with tenderness, with simplicity, and with dignity. Let us say that which scholars ought to say for the perusal of scholars. Tell me the day and year of her birth and her death; the place of both; her age, the number of her children, her Christian name, and the cause which removed her from this lower world. I will write the Latin, and in the mean time you may try your strength in English; and then, after the honest and consolatory feeling we shall have in this office, we shall make our choice of what is best, without any alloy of blind and childish partiality for what is our own."

The following epitaph, written by Parr, is inscribed on a marble tablet in the south-west staircase of St. Clement's Church, in the Strand, where Mrs. Mackintosh was buried.

☧

CATHARINAE · MACKINTOSH
FEMINAE · PVDICAE · FRVGI · PIAE
MATRIFAMILIAS
VIRI · TRIVM · QVE · FILIARVM
QVOS · SVPERSTITES · SVI · RELIQVIT
AMANTISSIMAE
VIXIT · ANN · $\overline{XXXII}$ · MENS · $\overline{XI}$ · DIEB · $\overline{XXI}$.
FECIT · CVM · MARITO · ANN · $\overline{VIII}$ · MENS · $\overline{I}$ · DIEB · $\overline{XXI}$.
DECESSIT · SEXTO · ID · APRIL · ANNO · SACRO
$\overline{M}$ · $\overline{DCC}$ · $\overline{XCVII}$
IACOBVS · MACKINTOSH
H · M · CON · B · M · P
SPERANS · HAVD · LONGINQVVM
INTER · SE · ET · CATHARINAM · SVAM
DIGRESSVM · FORE
SIQVIDEM · VITAM · NOBIS · COMMORANDI · DIVERSORIVM
NON · HABITANDI
DEVS · IMMORTALIS · DEDIT

Sir James, having remained about two years a widower, married Miss Allen, the daughter of a gentleman residing in Pembrokeshire. His income, professional and literary, was precarious. To secure a more steady and permanent provision for his family, he became a shareholder in the property of the Morning Post, and engaged to write in it at a yearly salary.

The conversion, or the moderation of Sir James Mackintosh, brought him into communication and favour with the Minister and his friends. Mr. Pitt, it has been stated, offered, through Mr. Canning, to provide for him; and his refusal of the offer, it has been also suggested, could not have been decisive. Mr. Pitt went out of office, ostensibly because he was unable to redeem his promise of emancipation to the Catholics, and was succeeded by Mr. Addington, in 1801. His retirement was said to be a confederate juggle between himself and his successor, in order that the latter might conclude with the French Republic a peace which had become necessary, but which he could not himself conclude without humiliation. Sheridan, drawing, as he professed, upon the Greek scholiast, but in point of fact appropriating somewhat unscrupulously, as it has since appeared, both the

reading and its application from another, said that Pitt went out of office leaving his sitting part behind him on the Treasury bench. It is certain that there was a good understanding between the retiring Minister and his successor; and Canning, who went out with Pitt, obtained from him, on his retirement, a written request or memorandum to the new Minister to provide for Mackintosh. Mr. Addington, from want of opportunity or inclination, did not immediately comply with the recommendation of his predecessor. Hostilities with France were renewed in 1803; the war and its policy were vindicated by Mackintosh, in the columns of the Morning Post; and the Minister, now more sensible of his merit, offered him the vacant recordership of Bombay. This appointment, with its emolument and honour, must yet have been regarded by him as a check and limit in the career of his ambition and fame. It removed him from the European community of men of letters, among whom he had taken his place; and from that first object in England to every man of popular talent and aspiring, the House of Commons. But his want of fortune, his embarrassments, the necessity of present and duty of future maintenance for his numerous and young family, the equivocal position in which he stood between the two great political parties which then divided opinion in England and in Europe, the neutral character of a judicial office; all these considerations prevailed with him. India, too, with her variety of religions, manners, races, languages, her arts of civilisation, and her barriers against its progress, presented a rich and wide field to his love of knowledge, speculative temper, and benevolent philosophy. He had before him the fresh example of Sir William Jones, whose name was not the less celebrated in Europe because Asia was the object and the theatre of his studies.

Sir James Mackintosh, having received his appointment, and what is called the honour of knighthood, sailed from England in January, and arrived at Bombay early in June, 1804. His judicial duties could occupy but a small portion of his time. His projects were comprehensive and various for the civilisation of India, and the instruction of Europe. It is easy to trace, in his life and writings at this period, that he took Sir William Jones for his model, or for an object of generous emulation. But he was constitutionally indolent in the vigour of his youth, in his native clime, and amidst the stirring elements of commotion, social and political. Under the influence of a distant and relaxing climate, with delicate health, and his habitual love of quiet, his mind appears to have been unstrung. There are visible the outlines of beneficent projects and sagacious designs; but there is nothing achieved worthy the rival of Sir William Jones. He was superior to Sir William, in the endowments and acquirements

of a moral philosopher, but he wanted the activity and industry, the spirit of literature in matters of taste and imagination, the graces of scholarship, the promptitude and facility in acquiring and communicating knowledge, of that accomplished person. Sir James did not, like him, master, or even acquire a tincture of, the Eastern languages; he was, of course, a stranger to Eastern literature; he was not what is affectedly, but expressively, called an Orientalist, and was thus barred at the threshold of Eastern enquiry.

A literary society had been instituted at Calcutta, under the auspices of Sir William Jones. One of the first acts of Sir James Mackintosh in India was to establish a similar society at Bombay. He was its founder, and continued its honorary President from his return to Europe to his death. The object of this society may be collected from the following passage of his inaugural oration:—

"The smallest society brought together by the love of knowledge is respectable in the eye of reason, and the feeble efforts of infant literature in barren and inhospitable regions are in some respects more interesting than the most elaborate works and the most successful exertions of the human mind: they prove the diffusion, at least, if not the advancement, of science; and they afford some sanction to the hope that knowledge is destined one day to visit the whole earth, and in her beneficent progress to illuminate and humanise the whole race of man.

"It is, therefore, with singular pleasure, that I see a small but respectable body of men assembled here by such a principle. I hope that we agree in considering all Europeans, who visit remote countries, whatever their separate pursuits may be, as detachments from the main body of civilised men, sent out to levy contributions of knowledge, as well as to gain victories over barbarism.

"When a large portion of a country so interesting as India fell into the hands of one of the most intelligent and inquisitive nations of the world, it was natural to expect that its ancient and present state should at least be fully disclosed. These expectations were, indeed, for a time, disappointed: during the tumult of revolution and war, it would have been unreasonable to have entertained them; and when tranquillity was established in that country which continues to be the centre of the British power in Asia, it ought not to have been forgotten, that every Englishman was fully occupied by commerce, by military service, or by administration; that we had among us no idle public of readers, and consequently no separate profession of writers, and that every hour bestowed on study was to be stolen from the leisure of men often harassed by business, enervated by the climate, and more disposed to seek amusement than new occupation in the intervals of their appointed toils. It is, besides, a part of our national character, that we are seldom eager to display, and not always ready to communicate what we have acquired. In this respect we differ considerably from other lettered nations: our ingenious and polite neighbours on the Continent of Europe, to whose enjoyment the applause of others seems more indispensable; whose faculties are more nimble and restless, if not more vigorous than ours; are neither so patient of repose, nor so likely to be contented by a secret hoard of knowledge: they carry, even into their literature, a

spirit of bustle and parade; a bustle, indeed, which springs from activity, and a parade which animates enterprise; but which are incompatible with our sluggish and sullen dignity. Pride disdains ostentation, scorns false pretension, despises even petty merit, refuses to obtain the objects of pursuit by flattery or importunity, and scarcely values any praise but that which she has the right to command: that pride with which foreigners charge us, and which, under the name of a sense of dignity, we claim for ourselves, is a lazy and unsocial quality; and in these respects, as in most others, the very reverse of the sociable and good-humoured vice of vanity. It is not, therefore, to be wondered at, if in India our national character, co-operating with local circumstances, should have produced some real, and, perhaps, more apparent inactivity in working the mine of knowledge, of which we had become the masters. Yet some of the earliest exertions of private Englishmen are too important to be passed over in silence. The compilation of laws by Mr. Halhed, and the Ayeen Akbaree, translated by Mr. Gladwin, deserve honourable mention. Mr. Wilkins gained the memorable distinction of having obtained the treasures of a new learned language to Europe."

Having pronounced an elaborate, and somewhat overcharged, eulogy on the genius, accomplishments, and achievements of Sir William Jones, in the form of a character of him, he proceeds: —

"It is not for me to attempt an estimate of those exertions for the advancement of knowledge, which have arisen from the example and exhortations of Sir William Jones. In all judgments pronounced on our contemporaries, it is so certain that we shall be accused, and so probable that we may be justly accused, of either partially bestowing, or invidiously withholding, praise, that it is in general better to attempt no encroachment on the jurisdiction of them, who alone impartially and justly estimate the works of men. But it would be unpardonable not to speak of the College at Calcutta, of which the original plan was, doubtless, the most magnificent attempt ever made for the promotion of learning in the East. I am not conscious that I am biassed, either by personal feeling or literary prejudices, when I say that I consider that original plan as a wise and noble proposition, of which the adoption, in its full extent, would have had the happiest tendency to secure the good government of India, as well as to promote the interests of science. Even in its present mutilated state, we have seen, at the last public examination, Sanscrit declamations by English youth; a circumstance so extraordinary*, that if it be followed by suitable advances, it will mark an epoch in the history of learning among the humblest fruits of this spirit. I take the liberty to mention the project of forming this society, which occurred to me before I left England, but which never could have advanced, even to its present state, without your hearty concurrence, and which must depend on your active co-operation for all hopes of future success. You will not suspect me of presuming to dictate the nature and object of our common exertions; to be valuable, they must be spontaneous; and no literary society can subsist on any other principle than that of equality. In the observations which I shall make on the plan and subject of our enquiries, I shall offer myself to you only as the representative of the curiosity of Europe. I am ambitious of no higher office than

* "It must be remembered that this discourse was read in 1804. In the present year, 1818, this circumstance could no longer be called extraordinary: from the learned care of Mr. Hamilton, late Professor of Indian Languages at the East India College, a proficiency in Sanscrit has become not uncommon in an European institution."

that of faithfully conveying to India the desires and wants of the learned at home, and of stating the subjects on which they wish and expect satisfaction from enquiries which can be pursued only in India. In fulfilling the duties of this mission, I shall not be expected to exhaust so vast a subject, nor is it necessary that I should attempt an exact distribution of science; a very general sketch is all that I can promise, in which I shall pass over many subjects rapidly, and dwell only on those parts on which, from my own habits of study, I may think myself least disqualified to offer useful suggestions.

"The objects of these enquiries, as of all human knowledge, are reducible to two classes, which, for want of more significant and precise terms, we must be content to call physical and moral."

He next divides the two great classes of objects of enquiry into various branches, and proposes the systematic collection of statistical facts and observations under each branch. His object, and the tendency, beyond all question, of the enquiries which he proposes, are the promotion of humanity and civilisation — above all, the good of the native people of the East. Medicine is one of the branches of enquiry which he particularly recommends. He dilates upon its importance with the predilection of a student, or the bias of a valetudinarian. The French Revolution and its consequences still haunted him beyond the Pacific Ocean. He concludes his discourse as follows: —

"On these principles, nothing can be a means of improvement which is not also a means of preservation. It is not only absurd but contradictory to speak of sacrificing the present generation for the sake of posterity; the moral order of the world is not so disposed. It is impossible to promote the interest of future generations by any measures injurious to the present; and he who labours industriously to promote the honour, the safety, and the prosperity of his own country by innocent and lawful means, may be assured that he is contributing, probably as much as the order of nature will permit a private individual, towards the welfare of all mankind.

"These hopes of improvement have survived, in my breast, all the calamities of our European world, and are not extinguished by that general condition of national insecurity which is the most formidable enemy of improvement. Founded on such principles, they are, at least, perfectly innocent — they are such as, even if they were visionary, an admirer or cultivator of letters ought to be pardoned for cherishing. Without them, literature and philosophy can claim no more than the highest rank among the amusements and ornaments of human life. With these hopes, they assume the dignity of being part of that discipline, under which the race of man is destined to proceed to the highest degree of civilisation, virtue, and happiness, of which our nature is capable."

If Sir James Mackintosh was too sanguine in his early speculations, he was afterwards as much too easily disheartened. But it is not an uncommon delusion, to suppose that civilisation and the age have retrograded, deviated, or become stationary, because the world does not proceed according to our particular notions.

The Transactions of this Society, published in London, in 1819, under his direction, contain but one paper contributed by himself. The subject is among the last which he would have been expected to choose—a plan for classifying the words common to the several dialects of India. It assuredly would have been useful, but nothing could have been more dry, and he knew nothing of the Eastern languages. After his return to England, he was requested to sit for a bust of him, to be placed in the Society's library; and was regarded with the reverence due to one who was its chief ornament as well as founder. The speech of Sir John Malcolm, on moving the transmission of the request to him, is given in the Transactions; but, through the delicacy of Sir James, that part of it which more immediately related to him is suppressed. This is a matter of regret. The suppressed part must have been the most interesting. It cannot have consisted of mere eulogy. It must have sketched the views and designs of Sir James—the extent to which he realised them, and the far greater extent to which they remained unexecuted,—for the mutual exchange of knowledge between the continents of Europe and Asia.

It has been said, that, as chief criminal judge of Bombay, his charges to grand juries, and judgments in trials, were among the most able and splendid specimens of English judiciary eloquence. There are existing in print no sufficient remains from which to decide upon the justice of this high praise; but there is enough to show the care with which he made himself acquainted with the moral state of the native community within his jurisdiction, his clear sight and impassive temper as a judge, and, above all, his sagacious, philosophic, and therefore mild, views of criminal jurisprudence.

The following is an extract from a report of his first charge to the grand jury of Bombay, delivered on the 21st of July, 1804.

"Here, gentlemen, I might close my address. But, on this first occasion of speaking to you, I cannot forbear making some observations on other subjects, which, though not immediately connected with any single law or any single crime, are, nevertheless, of the utmost importance to the general administration of justice. English judges have at all times spoken to grand juries, and, through them, to the public, in that tone of friendly (allow me to say, of paternal) admonition, which is not unbecoming the judicial character. On my arrival here, I conceived it to be my first duty to collect some information about the character and morality of the people, the degree and kind of vice prevalent in the little community intrusted to my care: and, just as a physician would first examine the books of an hospital, so I first looked into the records of this Court; which, though narrow, and liable to some exceptions that I shall afterwards mention, have at least the advantage of being, as far as they go, authentic.

"Since the institution of this Court, in the year 1798, I observe that sixty-four persons have been tried for various felonies; of whom thirty-three have been convicted, thirty-one acquitted, and nine have suffered capital punishment. If I were to estimate the morality of this community from our records alone, I should not form a very unfavourable opinion of it; for, in that part of the British dominions in Europe where capital punishment is much the least frequent (I mean in Scotland), we know, from the authority of Mr. Hume, Professor of Law at Edinburgh, that, on an average of thirty years, six had annually suffered death out of a population which is probably not far from 1,800,000. If this state of things be compared with the situation of Bombay, where there have been three capital punishments every two years, out of a population of 150,000, the result is, no doubt, considerably against this island. But the comparison between a large seaport town, as this island may be called, and an extensive country, is not fair: a more equitable comparison furnishes a more favourable result. The same author (Mr. Hume) tells us that the city of Edinburgh, which, with its port and suburbs, cannot contain a population much above 100,000, has, on an average of twelve years, furnished three executions every two years. I believe I may venture to say, without any fear of contradiction, that it is fortunate and honourable for a people to find its morality nearly approaching to that of the inhabitants of Edinburgh. But I fear we cannot make so favourable an inference from our criminal records: here they are not so exact a criterion of the *prevailing moral diseases* as they would be in most countries. The difference of manners and language, and, perhaps, the hostile prejudices of many of the natives, render the detection of crimes difficult, and increase the chances of total concealment, in a proportion which we cannot exactly calculate, but which we know to be very great. Much of what passes among the lowest natives must be involved in a darkness impenetrable to the eyes of the most vigilant police: after the existence of a crime is ascertained, the same obstacles stand in the way of identifying the criminal; and even after he is perfectly known, our local situation, which is that of a large town in a small territory, is that which an experienced offender would select for the opportunity of concealment and the facility of escape. And such is the unfortunate prevalence of the crime of perjury, that the hope of impunity is not extinguished by the apprehension of the delinquent. If to this you add the supine acquiescence of many English inhabitants inthe peculations of their domestic servants, which, from an opinion of the rooted depravity of the natives, we seem to look upon as if their vices were immutable and inflexible, like the laws of nature; and if you add, also, those summary chastisements which are, in my opinion, almost always useless as examples; you will not wonder that I do not consider the records of the criminal Court as a measure of the guilt of the community: indeed, the universal testimony of Europeans, however much I may suspect occasional and partial exaggeration, is an authority too strong for me to struggle with; and I observe that the accomplished and justly celebrated person (Sir W. Jones) who carried with him to his country a prejudice in favour of the natives, which he naturally imbibed in the course of his studies — and which in him, though not perfectly rational, was neither unamiable nor ungrateful — I observe that even he, after long judicial experience, reluctantly confessed their general depravity. The prevalence of *perjury*, which he strongly states, and which I have myself already observed, is, perhaps, a more certain sign of the *general dissolution of moral principle* than other more daring and ferocious crimes, much more horrible to the imagination, and of which the *immediate consequences* are more destructive to society. For perjury indicates the absence of all the common restraints which withhold

men from crimes: perjury supposes the absence of all fear of human justice, and bids defiance to all human laws; it supposes, also, either a contempt for public opinion, or (what is worse) a state of society in which public opinion has ceased to brand with disgrace actions that ought to be infamous. It is an attack upon religion and law in the very point of their union for the protection of human society: it is that crime which tends to secure the impunity of all other crimes; and it is the only crime which weakens the foundation of every right, by rendering the administration of justice, on which they all depend, difficult, and, in many cases, impossible.

"But, gentlemen, though it be reasonable to examine the character of those over whom we have authority, and to calculate the mischievous consequences of crimes — and though it be useful to spread an abhorrence of these crimes by just representations of their nature and tendency — it is very useless and very unreasonable to indulge ourselves in childish anger and childish invective, when we are speaking of the moral diseases of great nations. The reasonable questions always are, How have they been produced? and how are they to be cured?

"These are questions which all wise men acknowledge to be of infinite difficulty, even when we are content with those probable results which are sufficient for mere speculation: and their difficulty, it must be owned, is mightily increased, when we require that certainty on which, alone, prudence could act in matters which so nearly concern the happiness of multitudes of human beings. Difficult, however, as they are, it is a difficulty with which it is, in my humble opinion, the bounden duty of every lawgiver and magistrate (however humble his station, and however weak his means of usefulness, or obscure his sphere of action) constantly and resolutely to struggle; neither depressed by disappointment, nor deterred by enmities; but considering that the main end of life is to make some, at least, of the human race happier, which is most effectually done by making them better; that many ineffectual attempts must be made, in order that a few should succeed; and that, if we fail of increasing the happiness and virtue of others, the very attempt will constitute our own happiness, and improve our own virtue.

"With these feelings, I have not suffered the short time which has elapsed since I came to this country to pass without some meditation on the causes and cure of the moral maladies of which I have spoken. My speculations are at present so crude, and my information so imperfect, that it would be absurd to communicate my thoughts to any one: when they are more matured, I may have the honour of laying some of them before the government; and for such as will be best carried into effect by the voluntary exertions of private individuals, I shall have the honour of imparting them to you.

"I have this morning, gentlemen, examined the prison; and I am happy to say, that, considering it either as a place of detention for the accused, or for the debtor, or as a place of punishment for those who are convicted of crimes, it is so constructed as to prevent the loss of liberty from being aggravated by any unnecessary severities. The sheriff has, however, some reason to complain of its insecurity; and I cannot but lament that it is not better adapted for a house of correction, especially *as I have the strongest repugnance to capital punishment*, and as I have *no high opinion of the efficacy of transportation either for reformation or example.*

"The deficiencies of a prison, as an instrument of public policy, are matters to be discussed with coolness. If I had found any deficiencies on the score of humanity towards the prisoners, I should have spoken to you in a very different tone. I am

persuaded that your feelings would have entirely accorded with mine; convinced that, both as jurors and as private gentlemen, you will always consider yourselves as intrusted, in this remote region of the earth, with the honour of that beloved country, which, I trust, becomes more dear to you, as I am sure it does to me, during every new moment of absence: that, in your intercourse with each other, as well as with the natives of India, you will keep unspotted the ancient character of the British nation — renowned in every age, and in no age more than the present, for valour, for justice, for humanity, and generosity; for every virtue which supports, as well as for every talent and accomplishment which adorns, human society."

A famine visited several provinces of India in the summer of the same year. It forms the chief subject of his charge to the grand jury of Bombay on the 20th of October.

"I might have suffered you to proceed to the discharge of your duty without further interruption, if I had not thought it important to the interest of humanity to embrace this opportunity of making public some facts, of such a nature that it seemed to me fit to promulgate them in the most authentic form, and on the most solemn occasion known among us.

"When we are assembled to administer criminal justice — to perform the highest and most invidious, though most necessary, functions of political authority — it is consolatory to reflect, and it cannot be unbecoming to observe, that the more pleasing duties of bounty and charity have not been forgotten, and that the British government of this territory is as forward to relieve the miseries as to punish the crimes of its subjects.

"You must already have perceived that I am about to speak of the successful exertions which have been made to avert the calamities of famine from our own dominions, and to alleviate the sufferings of those wretched emigrants who have sought refuge among us from the famine which has laid waste the neighbouring continent.

"What the causes are, which in all ages seem to have rendered famine so frequent and so peculiarly severe in India, is a question of great curiosity, and, indeed, of great practical importance, but not very fit to be examined in this place, and to which I have not yet the means of giving a satisfactory answer. One general observation, however, I will venture to make. The same unfortunate state of things existed among our ancestors in Europe four or five centuries ago. The same unfavourable seasons which now only produce scarcity, then, almost uniformly, produced famine. Various causes have, doubtless, contributed to the great and happy change which has since taken place, all of them connected with the progress of European nations in the arts, institutions, and manners of civilised life; but the principal cause is, beyond all doubt, commerce: for only one of two expedients against dearth can be imagined: either we must consume less food, or we must procure more, and in general both must be combined; we must have recourse both to retrenchment and to importation. Both these purposes are effected by commerce. The home trade in grain reduces consumption; and this it does by that very operation of enhancing its price, which excites so much clamour among the vulgar of all ranks; and the foreign trade in grain makes the abundance of one country supply the wants of another. Thus famine is banished from what may properly be called the commercial world. So powerful and so beneficial are the energies of the great civilising principle of commerce, which, counteracted as it every

where is, by the stupid prejudices of the people, and by the absurd and mischievous interference of governments, has yet accomplished so great a revolution in the condition of so large a part of mankind, as totally to exempt them from the dread of the greatest calamity which afflicted their ancestors. Whether commerce could effect so great a change in India, I shall not undertake to determine. Perhaps there are physical difficulties which are insuperable; and others, arising from the condition and habits of the people, which would be extremely difficult to overcome. These, certainly, are circumstances which must diminish and retard such a beneficial change.

"But to return from generalities, in which I ought not perhaps to have dwelt so long.—You are well aware that, from a partial failure of the periodical rains in 1802, and from a more complete failure in 1803, a famine has arisen in the adjoining provinces of India, especially in the territories of the Peishwa, which I shall not attempt to describe, and which I believe no man can truly represent to the European public without the hazard of being charged with extravagant and incredible fiction. Some of you have seen its ravages; all of you have heard accounts of them from accurate observers. I have only seen the fugitives who have fled before it, and who have found an asylum in this island; but even I have seen enough to be convinced that it is difficult to overcharge a picture of Indian desolation.

"I shall now state to you, from authentic documents, what has been done to save these territories from the miserable condition of the neighbouring country. From the 1st of September, 1803, to the present time, there have been imported or purchased by government 414,000 bags of rice; and there remain 180,000 bags contracted for, which are yet to arrive; forming an aggregate of nearly 600,000 bags, and amounting to the value of 50 lacks of rupees, or 600,000*l.* sterling. During the same time there have been imported by private merchants 408,000 bags of rice, making, in all, an importation of 1,000,000 bags, and amounting in value to 1,000,000*l.* sterling.

"The effects of this importation on the population of our own territories it is not very difficult to estimate. The population of the islands of Bombay, Salsette, and Caranja, and of the city of Surat, I designedly under-estimate at 400,000. I am entitled to presume, that if they had continued subject to native governments, they would have shared the fate of the neighbouring provinces which still are so subject. I shall not be suspected of any tendency towards exaggeration, by any man who is acquainted with the state of the opposite continent, when I say that in such a case an eighth of that population must have perished. Fifty thousand human beings have therefore been saved from death, in its most miserable form, by the existence of a British government in this island. I conceive myself entitled to take credit for the whole benefits of the importation,—for that which was imported by private merchants, as well as for that which was directly imported by the government; because, without the protection and security enjoyed under a British government, that commercial capital and credit would not have existed by which the private importation was effected.

"The next particular which I have to state relates to those unhappy refugees who have found their way into our territory. From the month of March to the present time, such of them as could labour have been employed in useful public works, and have been fed by government. The monthly average of these persons since March is 9135 in Bombay, 3162 in Salsette, and in Surat a considerable number, though from that city I have seen no exact returns.

"But many of these miserable beings are, on their arrival here, wholly unable to

earn their subsistence by any, even the most moderate, labour. They expire in the road before they can be discovered by the agents of our charity; they expire in the very act of being carried to the place where they are to receive relief. To obviate, or at least to mitigate, these dreadful evils, a *Humane Hospital* was established by government for the relief of those emigrants who were unable to labour. The monthly average of those who have been received since March into this hospital, is 1030 in Bombay, about 100 at Salsette, and probably 300 at Surat.

"I myself visited this hospital, in company with my excellent friend Dr. Scott, and I witnessed a scene of which the impression will never be effaced from my mind. The average monthly mortality of this establishment is dreadful; it amounts to 480. At first sight this would seem to argue some monstrous defects in the plan or management of the institution. And if there were great defects in so new an establishment, hastily provided against so unexampled an evil, those who are accustomed to make due allowance for human frailty would find more to lament than to blame in such defects. But when it is considered that *almost all these deaths occur in the first four or five days after admission*, and that scarcely any disease has been observed among the patients but the direct effects of famine, we shall probably view the mortality as a proof of the deplorable state of the patients, rather than of any defects in the hospital; and instead of making the hospital answerable for the deaths, we shall deem it entitled to credit for the life of every single survivor.

"Those who know me will need no assurances that I have not made these observations from a motive so unworthy of my station and my character as that of paying court to any government. I am actuated by far other motives. I believe that knowledge on subjects so important cannot be too widely promulgated. I believe, if every government on earth were bound to give an annual account before an audience whom they respected, and who knew the facts of what they had done during the year for improving the condition of their subjects, that this single and apparently slight circumstance would better the situation of all mankind; and I am desirous that, if any British government of India should ever, in similar calamitous circumstances, forget its most important and sacred duties, this example should be recorded for their reproach and disgrace.

"Upon the whole, I am sure that I considerably understate the fact, in saying that the British government in this island has saved the lives of 100,000 persons; and, what is more important, that it has prevented the greater part of the misery through which they must have passed before they found refuge in death, besides the misery of all those who loved them, or who depended upon their care.

"The existence, therefore, of a British government in Bombay in 1804 has been a blessing to its subjects. Would to God that every government of the world could with truth make a similar declaration!

"Many of you have been, and many will be, intrusted with authority over multitudes of your fellow creatures. Your means of doing good will not, indeed, be so great as those of which I have now described to you the employment and the effect; but they will be considerable. Let me hope that every one of you will be ambitious to be able to say to your own conscience,—'I have done something to better the condition of the people intrusted to my care.' I take the liberty to assure you, that you will not find such reflections among the least agreeable or valuable part of that store which you lay up for your declining years."

The following extract from his charge to the grand jury on the 19th of April, 1806, throws a melancholy and instructive light on the moral character and habits of the natives of India: —

"I do not foresee that you will require legal instruction in any part of the duty which you are now to perform: yet some of the offences likely to come under your cognisance are of so singular, and others are of so heinous a nature, that I cannot prevail on myself altogether to pass them over in silence.

"Among them is a case of *child murder*,—a crime very rare, and justly considered as most unnatural in all countries where its prevalence cannot easily be accounted for, either from some sanguinary superstition, or from the distresses of excessive population, or from misapplied principles of severe morality. And even in these cases, the life of the infant is usually destroyed at the moment of its birth, before the mind has been habituated to consider it as a living being, before it can advance its powerful claims on compassion, before it can have created that strong interest which helpless innocence naturally inspires. The murderers do a sort of homage to nature by their, as it were, confessing, that if they were to leave time for the native attractions of infancy to operate, even their hearts would be subdued. The deliberate murder of children after they have reached that most interesting age at which sensibility and reason begin to dawn, is, I believe, peculiar to this country, where it is much more prevalent than could have before-hand been expected from a people among whose vices that of active cruelty is certainly not to be numbered. The truth seems to be, as I observed to you on a former occasion, that the natives of India, though incapable of the crimes which arise from violent passions, are, beyond every other people of the earth, addicted to those vices which proceed from the weakness of natural feeling, and the almost total absence of moral restraints. This observation may, in a great measure, account for that most aggravated species of child murder which prevails among them. They are not actively cruel, but they are utterly insensible. They have less ferocity, perhaps, than most other nations, but they have still less compassion. Among them, therefore, infancy has lost its natural shield. The paltry temptation of getting possession of the few gold and silver ornaments, with which parents in this country load their infants, seems sufficient to lead these timid and mild beings to destroy a child without pity, without anger, without fear, without remorse, with little apprehension of punishment, and with no apparent shame on detection. Whether it would be wise in the public authority to take away this temptation to murder, by the prohibition of these ornaments under a certain age, is a question which I will not undertake to decide. It is our duty to remember that this abominable crime is easily committed, and very easily hid; that, in our crowded and fluctuating population, the disappearance of a poor child is a fact not likely to excite much attention; that this, therefore, is a subject which requires all the vigilance of the public, and deserves the most serious investigation in a criminal court."

One of the most curious incidents in judicial history occurred in the case of two British officers, Lieutenants Macguire and Cauty, brought up to receive judgment from Sir James Mackintosh. Two Dutchmen had become objects of animosity to those officers, in consequence of legal proceedings, which, if not vindictive on the part of the former, were ruinous to the latter. The officers, in a state of drunken excitement, resolved to

waylay and assault the Dutchmen. The latter took a different route on the evening in question from that which they were expected to take, escaped attack, and prosecuted Lieutenants Macguire and Cauty for the offence of lying in wait with the intent to murder. The jury found the offenders guilty, and they were brought up for judgment. Sir James thus addressed them:—

"Bryan Macguire and George Cauty, you have been convicted of the offence of conspiring to waylay and assault by night two unarmed foreigners, John and Jacob Vandersloot; and it appears that you lay in wait for them to execute your design, with the assistance of two other persons, all of you armed with bludgeons, pistols, or muskets. Your avowed motive for this project of barbarous revenge was, that one of these foreign gentlemen had brought an action against one of you in this Court.

"The observations which you have now made on the evidence in support of this charge would have been too late, even if they had been new or important. I am not the judge of evidence; that is the province of the jury; and, after their verdict, I can see only with their eyes, and hear only with their ears. But, in fact, you have now only repeated the observations which you made on your trial, which I then stated to the jury, and which, in my opinion, they did well to disregard.

"It is now, therefore, my duty to pronounce the judgment of this Court upon you; and I should content myself with the above short statement of the nature and circumstances of your offence, if I were not induced to make a few observations, by some faint hope of being useful to you, and by a strong sense of the duty which any man of experience owes to the numerous inexperienced young men, such as I see around me, who are deprived so early of parental guidance; and who may see, in your deplorable but most instructive example, how easily conviviality may degenerate into excess, and how infallibly habitual excess, with its constant attendant, bad society, leads to such unhappy situations as that in which you now stand.

"I know that the brutish vice of drunkenness, with all the noisy and turbulent vices which follow in her train, has a false exterior of spirit and manliness, which sometimes seduces weak and ignorant boys. Not that this can be said in the present case. A plan for overpowering two defenceless men under cover of darkness, with more than double their numbers, armed with deadly weapons, can have nothing attractive to any but such as are 'the stain of manhood and of arms.'

"But I know that the mischievous character from which such acts spring, sometimes dazzles and allures inexperienced eyes. Let me rub off a little of the varnish which hides from them its deformity. A disposition to engage in quarrels and broils is not, as they may suppose, a mere excess of martial spirit, which is to actuate them on greater occasions. It is the very reverse of it: it is as unmilitary as it is unsocial and immoral; it is an offence against the first principle which holds armies together; it is a violation of that prompt, eager, active obedience to authority, far more necessary in armies than in any other bodies of men, and without which they must speedily degenerate into a ferocious rabble. One of the greatest and wisest of men has, in one comprehensive sentence, concentrated every thing that can be said on the relation of an army to the internal order of the state: 'An armed disciplined body is dangerous to liberty; an armed undisciplined body is dangerous to society itself.'

"Much more is this turbulent disposition inconsistent with the peculiar character

of a British soldier. That which distinguishes him not only from a mere ruffian, but from a mercenary slave, is, that he has taken up arms to protect the rights of his fellow-citizens, and to preserve the public quiet. He is an armed minister of the laws, and we expect from him a peculiar affection and veneration for those unarmed laws and magistrates whom he has girt on his sword to guard. Every true soldier must have too great a reverence for the noble virtue of courage, to sully and degrade it in the wretched frays of sottish ruffians. It is reserved for nobler objects: he will not prostitute it on such ignoble and vile occasions. True courage is too serious, too grave, too proud a quality to endure such degradation.

" Such vices are most unofficerlike, because they are most ungentlemanlike. As long as courage continues to be one of the distinctive qualities of a gentleman, so long must the profession of arms be regarded as the depositary and guardian of all the feelings and principles which constitute that character. A gentleman is a man of more refined feelings and manners than his fellow men. An officer is, or ought to be, peculiarly and eminently a gentleman. But there is nothing so low and vulgar as the fame of a bully, and the renown of midnight brawls. They imply every quality of a highwayman but his courage, and they very often lead to his fate.

" In considering the punishment to be inflicted on you, I observe that you build some hopes of mercy on your dismissal from the service by a Court Martial for other offences. As these offences have proceeded from the same wretched vice of disposition which has placed you at this bar, I am not unwilling to consider them as part of the visitation which your mischievous turbulence has brought upon you, and therefore as some justification for mild punishment to a Court which eagerly looks out for such justifications. It has been my fate in this place to be obliged to justify the lenity, rather than the severity, of the penalties inflicted here. I think it is likely to continue so. I have more confidence in the certainty than in the severity of punishment. I conceive it to be the first duty of a criminal judge to exert and to strain every faculty of his mind to discover, in every case, the smallest possible quantity of punishment that may be effectual for the ends of amendment and example. I consider every pang of the criminal, not necessary for these objects, as a crime in the judge; and in conformity with these principles, I was employed in considering the mildest judgment which public duty would suffer me to pronounce on you, when I learned, from undoubted authority, that your thoughts towards me were not quite of the same nature. I was credibly, or rather certainly, informed, that you had admitted into your minds the desperate project of destroying your own lives at the bar where you stand, and of signalising your suicide by the previous destruction of at least one of your judges. If that murderous project had been executed, I should have been the first British magistrate who ever stained with his blood the bench on which he sat to administer justice. But I never can die better than in the discharge of my duty. When I accepted the office of a minister of justice, I knew that I must be unpopular among the enemies of justice; I knew that I ought to despise unpopularity and slander, and even death itself. Thank God, I do despise them; and I solemnly assure you that I feel more compassion for the gloomy and desperate state of mind which could harbour such projects, than resentment for that part of them which was directed against myself.

" It is my duty to remind you, that your despair is premature and groundless. At your age, in a new society, where you may not be followed by the memory of your faults, you may yet atone for them, and regain that station in society to which the fond hopes of your unfortunate relations had probably, at parting, destined you. The road

which leads back to character and honour is, and ought to be, steep; but ought not to be, and is not, inaccessible. On the other hand, if any of the comrades of your excesses be present, any of those who have been arrested on the brink of destruction by their penitence, or by their timely fears, or by fortunate accidents, or by the mercy of others, I most earnestly conjure them never to forget the situation in which they this day see you. Let those who stand, take heed lest they fall. The declivity is slippery from the place where they stand to that where you lie prostrate.

"I should consider myself as indelibly disgraced, if a thought of your projects against me were to influence my judgment. That, however, I believe, you yourselves will scarcely suppose.

"The judgment of this Court is, that you, the said Bryan Macguire and George Cauty, be, for this your offence, imprisoned in the gaol of Bombay for twelve calendar months."

The following note on this singular circumstance appeared in the Bombay Courier:—

"The Recorder's private information of this atrocious and almost incredible project must, of course, have been confidential, and therefore can never be disclosed. Many gentlemen saw in the hands of the sheriff the arms which had been seized on one of the prisoners (B. Macguire): they consisted of four pistols of various dimensions, three of them double barrelled, in a case made to resemble a writing desk, which he had with him in court on the day of his trial, under pretence of carrying his papers. The pistols were loaded with slugs, in a manner for which, in this island, it is not easy to assign an innocent motive."

There is reason to believe, from other sources of information, that the communication made to Sir James was a misapprehension; that Macguire protested against the remotest idea of such a purpose; that he submitted to inspection his writing desk, which, from mere singularity, he had caused to be so constructed as to serve the double purpose of a writing desk and pistol case; and that the pistols which it contained were not charged. He some years afterwards attracted much notice in Dublin, by his peculiarities of manner and costume. His great ambition was to be a point-blank pistol duellist, and he gave the most eccentric and unequivocal evidence of his skill. But his disposition was not quarrelsome; he was good-tempered in private society with his acquaintance; his duels arose, for the most part, from rival pretensions; and the fact, that of the many in which he was engaged, not one proved fatal, was ascribed, by those who knew him, to his forbearance and humanity. There are some improbable circumstances in the version above cited. If the communication was made to Sir James before he began to pronounce judgment, it appears to have been an inconceivable imprudence to remain gratuitously exposed, even for a second, to assassination; if it was made to him in the course of his address, and he believed that the purpose of a crime so heinous to have been really

entertained, the impunity of the criminals, and the lenity of the sentence, was not magnanimity, but weakness.

The following is his farewell charge, delivered on the 20th of July, 1811: —

" Gentlemen of the Grand Jury,

" The present calendar is unfortunately remarkable for the number and enormity of crimes.

" To what cause we are to impute the very uncommon depravity which has, in various forms, during the last twelve months, appeared before this Court, it is difficult, and perhaps impossible, to determine. But the length of this calendar may probably be, in a great measure, ascribed to the late commendable disuse of irregular punishment at the Office of Police; so that there is not so much an increase of crimes as of regular trials.

" To frame and maintain a system of police, warranted by law, vigorous enough for protection, and with sufficient legal restraints to afford a security against oppression, must be owned to be a matter of considerable difficulty in the crowded, mixed, and shifting population of a great Indian sea-port. It is no wonder, then, that there should be defects in our system, both in the efficacy of its regulations and the legality of its principles: and this may be mentioned with the more liberty, because these defects have originated long before the time of any one now in authority; and have rather, indeed, arisen from the operation of time and chance on human institutions, than from the fault of any individual. The subject has of late occupied much of my attention. Government have been pleased to permit me to lay my thoughts before them; a permission of which I shall in a few days avail myself; and I hope that my diligent enquiry and long reflection may contribute somewhat to aid their judgment in the establishment of a police which may be legal, vigorous, and unoppressive.

" In reviewing the administration of law in this place since I have presided here, two circumstances present themselves, which appear to deserve a public explanation.

" The first relates to the principles adopted by the Court in cases of commercial insolvency.

" In India, no law compels the equal distribution of the goods of an insolvent merchant; we have no system of bankrupt laws.

" The consequence is too well known. Every mercantile failure has produced a disreputable scramble, in which no individual could be blamed; because, if he were to forego his rights, they would not be sacrificed to equitable division, but to the claims of a competitor no better entitled than himself. A few have recovered all, and the rest have lost all. Nor was this the worst.

" Opulent commercial houses, either present, or well served by vigilant agents, almost always foresaw insolvency in such time as to secure themselves. But old officers, widows, and orphans in Europe, could know nothing of the decaying credit of their Indian bankers, and they had no agents but those bankers themselves: they, therefore, were the victims of every failure. The rich generally saved what was of little consequence to them, and the poor almost constantly lost their all. These scenes have frequently been witnessed in various parts of India. They have formerly occurred here. On the death of one unfortunate gentleman, since I have been here, the evil was rather dreaded than felt.

"Soon after my arrival, I laid before the British merchants of this island a plan for the equal distribution of insolvent estates, of which accident then prevented the adoption. Since that time, the principle of the plan has been adopted in several cases of actual or of apprehended insolvency, by a conveyance of the whole estate to trustees, for the equal benefit of all the creditors. Some disposition to adopt similar arrangements appears of late to manifest itself in Europe; and certainly nothing can be better adapted to the present dark and unquiet condition of the commercial world. Wherever they are adopted early, they are likely to prevent bankruptcy. A very intelligent merchant justly observed to me, that, under such a system, the early disclosure of embarrassment would not be attended with that shame and danger which usually produce concealment and final ruin. In all cases, and at every period, such arrangements would limit the evils of bankruptcy to the least possible amount.

"It cannot, therefore, be matter of wonder that a Court of justice should protect such a system with all the weight of their opinion, and to the utmost extent of their legal power.

"I by no means presume to blame those creditors who, on the first proposal of this experiment, withheld their consent, and preferred the assertion of their legal rights. They had, I dare say, been ill used by their debtors, who might personally be entitled to no indulgence from them. It is too much to require of men, that, under the influence of cruel disappointment and very just resentment, they should estimate a plan of public utility in the same manner with a dispassionate and disinterested spectator. But experience and reflection will in time teach them, that, in seeking to gratify a just resentment against a culpable insolvent, they, in fact, direct their hostility against the unoffending and helpless part of their fellow-creditors.

"One defect in this voluntary system of bankrupt laws must be owned to be considerable: it is protected by no penalties against the fraudulent concealment of property. There is no substitute for such penalties, but the determined and vigilant integrity of trustees. I have, therefore, with pleasure, seen that duty undertaken by European gentlemen of character and station. Besides the great considerations of justice and humanity to the creditors, I will confess that I am gratified by the interference of English gentlemen to prevent the fall of eminent or ancient commercial families among the natives of India.

"The second circumstance which I think myself now bound to explain, relates to the dispensation of penal law.

"Since my arrival here, in May, 1804, the punishment of death has not been inflicted by this Court.

"Now, the population subject to our jurisdiction, either locally or personally, cannot be estimated at less than 200,000 persons.

"Whether any evil consequence has yet arisen from so unusual (and in the British dominions unexampled) a circumstance as the disuse of capital punishment, for so long a period as seven years, among a population so considerable, is a question which you are entitled to ask, and to which I have the means of affording you a satisfactory answer.

"The criminal records go back to the year 1756.

"From May, 1756, to May, 1763, the capital convictions amounted to 141, and the executions were forty-seven. The annual average of persons who suffered death was almost seven, and the annual average of capital crimes ascertained to have been perpetrated was nearly twenty.

"From May, 1804, to May, 1811, there have been 109 capital convictions. The annual average, therefore, of capital crimes, legally proved to have been perpetrated during that period, is between fifteen and sixteen. During this period there has been no capital execution.

"But as the population of this island has much more than doubled during the last fifty years, the annual average of capital convictions during the last seven years ought to have been forty, in order to show the same proportion of criminality with that of the first seven years. But between 1756 and 1763, the military force was comparatively small. A few factories or small ports only depended on this government. Between 1804 and 1811, 500 European officers, and probably 4000 European soldiers, were scattered over extensive territories. Though honour and morality be powerful aids of law with respect to the first class, and military discipline with respect to the second, yet it might have been expected, as experience has proved, that the more violent enormities would be perpetrated by the European soldiery, uneducated and sometimes depraved as many of them must originally be, often in a state of mischievous idleness, commanding, in spite of all care, the means of intoxication, and corrupted by contempt for the feelings and rights of the natives of this country.

"If these circumstances be considered, it will appear that the capital crimes committed during the last seven years, with no capital execution, have, in proportion to the population, not been much more than a third of those committed in the first seven years, notwithstanding the infliction of death on forty-seven persons.

"The intermediate periods lead to the same results.

"The number of capital crimes in any one of these periods, does not appear to be diminished either by the capital executions of the same period, or of that immediately preceding. They bear no assignable proportion to each other.

"In the seven years immediately preceding the last, which were chiefly in the presidency of my learned predecessor, Sir William Syer, there was a very remarkable diminution of capital punishments. The average fell from about four in each year, which was that of the seven years before Sir William Syer, to somewhat less than two in each year. Yet the capital convictions were diminished about one third.

"The punishment of death is principally intended to prevent the more violent and atrocious crimes.

"From May, 1797, there were eighteen convictions for murder, of which I omit two, as of a very particular kind. In that period there were twelve capital executions.

"From May, 1804, to May, 1811, there were six convictions for murder, omitting one which was considered by the jury as in substance a case of manslaughter with some aggravation. The murders in the former period were, therefore, very nearly as three to one to those in the latter, in which no capital punishment was inflicted.

"From the number of convictions, I, of course, exclude those cases where the prisoner escaped; whether he owed his safety to defective proof of his guilt, or to a legal objection. This cannot affect the justness of a comparative estimate, because the proportion of criminals who escape on legal objections before courts of the same law, must, in any long period, be nearly the same.

"But if the two cases,—one where a formal verdict of murder, with a recommendation to mercy, was intended to represent an aggravated manslaughter; and the other of a man who escaped by a repugnancy in the indictment, where, however, the

facts were more near manslaughter than murder, — be added, then the murders of the last seven years will be eight, while those of the former seven years will be sixteen.

" This small experiment has, therefore, been made without any diminution of the security of the lives and properties of men. Two hundred thousand men have been governed for seven years without a capital punishment, and without any increase of crimes. If any experience has been acquired, it has been safely and innocently gained.

" It was, indeed, impossible that the trial could ever have done harm. It was made on no avowed principle of impunity or even lenity. It was in its nature gradual, subject to cautious reconsideration in every new instance, and easily capable of being altogether changed on the least appearance of danger. Though the general result be rather remarkable, yet the usual maxims which regulate judicial discretion have in a very great majority of cases been pursued. The instances of deviation from those maxims scarcely amount to a twentieth of the whole convictions.

" I have no doubt of the right of society to inflict the punishment of death on enormous crimes, wherever an inferior punishment is not sufficient. I consider it as a mere modification of the right of self-defence, which may as justly be exercised in deterring from attack, as in repelling it.

" I abstain from the discussions in which benevolent and enlightened men have, on more sober principles, endeavoured to show the wisdom of, at least, confining the punishment of death to the highest class of crimes. I do not even presume in this place to give an opinion regarding the attempt which has been made by one whom I consider as among the wisest and most virtuous men of the present age, to render the letter of our penal law more conformable to its practice. My only object is to show that no evil has hitherto resulted from the exercise of judicial discretion in this Court. I speak with the less reserve, because the present sessions are likely to afford a test which will determine whether I have been actuated by weakness or by firmness, by fantastic scruples and irrational feelings, or by a calm and steady view to what appeared to me the highest interests of society.

" I have been induced to make these explanations by the probability of this being the last time of my addressing a grand jury from this place.

" His Majesty has been graciously pleased to approve of my return to Great Britain, which the state of my health has for some time rendered very desirable. It is therefore probable, though not certain, that I may begin my voyage before the next sessions.

" In that case, gentlemen, I now have the honour to take my leave of you, with those serious thoughts that naturally arise at the close of every great division of human life; with the most ardent and unmixed wishes for the welfare of the community with which I have been for so many years connected by an honourable tie; and with thanks to you, gentlemen, for the assistance which many of you have often afforded me in the discharge of duties, which are necessary, indeed, and sacred, but which, to a single judge, in a recent Court, and small society, are peculiarly arduous, invidious, and painful."

From this interesting discourse it appears that the views and principles of criminal jurisprudence, urged by Sir James Mackintos has a member of

the House of Commons had already been acted on by him as a judge, and thus rested not only upon his meditations but upon his experience.

The following address from the grand jury was presented to him by the foreman : —

" My Lord,

" We, the Grand Jury, have learned with regret, by the valedictory charge delivered to us at the commencement of these sessions, that the connection which has for seven years subsisted between your Lordship and us, in the administration of public justice, is on the eve of dissolution. But we trust that those splendid talents, which have rendered your Lordship so conspicuous among the eminent men of the present times, will soon be called forth for the public service in a more extended sphere.

" As a mark of respect, we request you will do us the honour to sit for your portrait, which we are desirous of placing in the Hall where you have so long presided with such distinguished ability; and with cordial wishes for your safe return to your native country, we have the honour to be,

" My Lord,

" Your Lordship's obedient Servants,

" W. T. MONEY,

" *Grand Jury Room*, 16*th July*, 1811. " Foreman."

The following answer was returned by Sir James : —

" *Bombay*, 17*th July*, 1811.

" Sir,

" I request that you will present my grateful acknowledgments to the grand jury for the address with which they have honoured me.

" Conscious rectitude must often be the sole support of a magistrate, whose most unpopular duties may be the most useful; but it would betray unbecoming confidence to be indifferent to the deliberate and final approbation of a body of gentlemen, most of whom have been long and near observers of my official conduct; and who, both from their private character and their public functions, are entitled to speak in the name of the community.

" However humbly I may estimate my understanding, and how much soever I must, therefore, question the justness of your commendations, I cannot doubt their sincerity. Flattery is not an English vice, and there can be no motive to flatter a person from whom nobody has any thing to hope.

" I must, then, ascribe the partiality which has dictated these praises to your long observation of a quality which I may claim for myself without hesitation and without presumption, — a most earnest desire to administer justice according to the dictates of conscience and humanity.

" In that conviction, I receive these praises as a higher honour than if I had presumed to think them more strictly just.

" As soon as I reach Great Britain, I shall take measures for complying with the desire, so honourable to me, which the grand jury have been pleased to express.

" I have the honour to be,

" Sir,

" Your most obedient humble Servant,

" JAMES MACKINTOSH."

The chief occupation of Sir James Mackintosh, besides the engagements already stated, was writing what has been described by himself as "A Sketch of his Life." It is said that he also not only projected, but commenced, whilst in India, the "History of England," beginning with the Revolution. This idea seems to have been uppermost in his mind from an earlier period. Upon his change of political opinion, he professed himself a Whig of 1688, and took every opportunity of eulogising the great transaction of that period, and the character of William III. This really great, but not faultless prince — what prince or man was ever faultless? — became the god of his idolatry. By exalting William and the Revolution of 1688, he disguised from himself his change of principles, identified his own character with the character of the Revolution, and worked himself unconsciously into a retrospective partisan, by way of proving, that the man who renounced the principles of the "Vindiciæ Gallicæ," was still the friend of freedom. This bias of his ideas will be discerned in the present volume. Writing as a historian, he assigns to the Prince of Orange the same faultless constitution of mind, the same incredible perfection of virtue, the same impossible superiority to ambition and interest — to human passions and motives, — with which he invested his hero when writing anonymously in the "Monthly Review."

Sir James wrote but little if any portion of his history before his return to Europe. It is said, however, that he sketched in India, and on his way home, characters of some of the leading personages who were to figure in his work. These sketches were either lost by himself, or stolen by some person who had access to his papers. He learned, after some time, that they were offered for sale in France, and unexpectedly recovered them. The sketches of the chief members of James's cabinet, given at the opening of this volume, were doubtless among the number.

Mr. Fox died in the summer of 1806. The following character of him, by Sir James Mackintosh, appeared in a Bombay newspaper of the following January: —

"Mr. Fox united, in a most remarkable degree, the seemingly repugnant characters of the mildest of men and the most vehement of orators. In private life he was gentle, modest, placable, kind, of simple manners, and so averse from dogmatism, as to be not only unostentatious, but even something inactive in conversation. His superiority was never felt but in the instruction which he imparted, or in the attention which his generous preference usually directed to the more obscure members of the company. The simplicity of his manners was far from excluding that perfect urbanity and amenity, which flowed still more from the mildness of his nature than from familiar intercourse with the most polished society of Europe. The pleasantry, perhaps, of no man of wit had so unlaboured an appearance; it seemed rather to escape from his

mind, than to be produced by it. He had lived on the most intimate terms with all his contemporaries distinguished by wit, politeness, or philosophy, or learning, or the talents of public life. In the course of thirty years, he had known almost every man in Europe whose intercourse could strengthen, or enrich, or polish the mind. His own literature was various and elegant. In classical erudition, which, by the custom of England, is more peculiarly called learning, he was inferior to few professed scholars. Like all men of genius, he delighted to take refuge in poetry, from the vulgarity and irritation of business. His own verses were easy and pleasant, and might have claimed no low place among those which the French call *vers de société*. The poetical character of his mind was displayed by his extraordinary partiality for the poetry of the two most poetical nations, or at least languages, of the West,—those of the Greeks and of the Italians. He disliked political conversation, and never willingly took any part in it.

"To speak of him justly as an orator would require a long essay. Every where natural, he carried into public something of that simple and negligent exterior which belonged to him in private. When he began to speak, a common observer might have thought him awkward; and even a consummate judge could only have been struck with the exquisite justness of his ideas, and the transparent simplicity of his manners. But no sooner had he spoken for some time, than he was changed into another being. He forgot himself and every thing around him. He thought only of his subject. His genius warmed and kindled as he went on. He darted fire into his audience. Torrents of impetuous and irresistible eloquence swept along their feelings and conviction. He certainly possessed, above all moderns, that union of reason, simplicity, and vehemence, which formed the prince of orators. He was the most Demosthenean speaker since the days of Demosthenes. 'I knew him,' says Mr. Burke, in a pamphlet written after their unhappy difference, 'when he was nineteen; since which time he has risen, by slow degrees, to be the most brilliant and accomplished debater the world ever saw.'

"The quiet dignity of a mind roused only by great objects, the absence of petty bustle, the contempt of show, the abhorrence of intrigue, the plainness and downrightness, and the thorough good-nature, which distinguished Mr. Fox, seem to render him no unfit representative of the old English character, which, if it ever changed, we should be sanguine indeed to expect to see succeeded by a better. The simplicity of his character inspired confidence, the ardour of his eloquence roused enthusiasm, and the gentleness of his manners invited friendship. 'I admired,' says Mr. Gibbon, after describing a day passed with him at Lausanne, 'the powers of a superior man, as they are blended, in his attractive character, with all the softness and simplicity of a child: no human being was ever more free from any taint of malignity, vanity, or falsehood.'

"The measures which he supported or opposed may divide the opinion of posterity, as they have divided those of the present age. But he will most certainly command the unanimous reverence of future generations, by his pure sentiments towards the commonwealth, by his zeal for the civil and religious rights of all men; by his liberal principles, favourable to mild government, to the unfettered exercise of the human faculties, and the progressive civilisation of mankind; by his ardent love for a country of which the well-being and greatness were, indeed, inseparable from his own glory; and by his profound reverence for that free constitution, which he was universally admitted to understand better than any other man of his age, both in an exactly legal and in a comprehensively philosophical sense."

This character of Fox, though much admired, did not give entire satisfaction. Parr pronounced it a very elaborate and masterly sketch, but took offence at the tone in which Sir James cited Burke's estimate of Fox. The friends of Mr. Fox, he said, had little cause to be pleased with the claim set up for the credit not only of Burke's taste, but of his justice, and perhaps of his placability. Burke, he adds, must have well known that the epithets "most brilliant and accomplished" did not make the term "debater" co-extensive with the aggregate of Mr. Fox's merits as a public speaker. . . . The slightest touch of his wand might have transformed debater into orator . . . but the former term was preferred, from low jealousy, and the inglorious artifice of damning with faint praise. Sir James does not escape the lash of his early friend. "To me, indeed," continues Parr, "it appears that the republication of the remark reflects little credit on the magnanimity of him who made, or the discretion of him who would disseminate it. The writer to whom I allude has, himself, shown Mr. Fox to be more than a brilliant and accomplished debater. . . . Why did the learned author of the sketch run the hazard of counteracting the stronger praise which was bestowed by himself, by the introduction of the weaker praise bestowed by Mr. Burke? . . . If he meant to exalt Mr. Burke, as I suspect he did, his attempt was not wise. . . . His present partiality in favour of Mr. Burke's politics is greater than my own; his habitual admiration of Mr. Burke's talents is not."

To call Fox "the most brilliant and accomplished debater," was assuredly to depreciate him: and the sketch of him by Sir James would have been more worthy of its subject and its author, were it more single-minded. The jealous admiration, and even angry zeal, of Parr, may not only be excused but respected.

The health of Sir James was seriously impaired two years before his return. Lady Mackintosh left Bombay for England in 1809, for the purpose of negotiating his retirement, on the ground of his state of health, and succeeded. He returned to Europe in 1812, received from the Company a pension of 1200*l.* a year, and the professorship of law and general polity in the East India College. The subjects of his lectures here must have been, to a considerable extent, identical with those of his lectures on the law of nations in the Hall of Lincoln's Inn. It is scarcely conceivable that the courses, on both occasions, should have been prepared and delivered by him without his leaving any written remains in a state to be given to the public. His materials, whether from meditation or research, however destitute of form, order, or connection, would be valuable

and interesting to the reader—more valuable and interesting than most finished discourses. The reader would be thus admitted within his study, to view his mind exercising its powers in an undress.

Lady Mackintosh appears to have managed his interests with no common capacity, on her arrival in England. She succeeded in negotiating not only his retirement from India, but his return to Parliament. He was elected, in 1812, representative for the small county of Nairn, through the influence of Lord Cawdor. His first speech, without any failure of talent, yet failed wholly of effect. It was delivered by him on the 14th of December, 1813. The French empire now trembled to its centre: the Rhine was passed, and France invaded by the Allies on the one side; the Duke of Wellington was approaching the barrier of the Pyrenees on the other; and the English guards were already arrived in Holland, to support the Dutch in their unexpected state of insurrection against Napoleon in favour of the House of Orange. Pending events so momentous, Lord Castlereagh gave notice of a long adjournment of Parliament. Sir James Mackintosh announced that he should resist the motion. On the 13th of December, the minister moved an adjournment of the House to the 1st of March following, without adding a single reason or observation in support of his motion; the propriety of which was, he said, too obvious to require proof. Sir James came prepared to tear and trample the flimsy web of oratory which made up that minister's parliamentary speeches, — his mind and memory charged with an oration in which he should pass the state of Europe in review. He was taken by surprise: the manœuvre of the minister left him no ground to stand upon; he had to discharge his speech in the air; and thus a speech redundant with eloquence and information, delivered without spirit, under a sense of disappointment and surprise, dropped cold and lifeless as a prelection upon a thin and dull auditory. Thus mainly does the success of a public speaker depend upon tact and the occasion, independently of mere talent.

He was not only out-manœuvred by the minister, but abandoned to his fate by the Whigs. Sir Samuel Romilly and Mr. Abercromby alone came to his relief. They praised his speech, and supported his amendment, that the adjournment should extend only to the 24th of January. The Whigs can hardly be said to have deserted him in a situation so critical to his reputation. He resumed, on his return, the same neutral position between parties in which he had placed himself before he went to India. So unpledged or unconnected was he considered on his return, that Lord Moira offered him a seat in Parliament through the influence of the Court.

The effect of this failure was long felt by him. It took him two or three sessions to rally his ambition and energy, recover the ground which he had lost, and re-assert his reputation and authority.

But the failure was confined within the walls of Parliament. His continuation of Hume's History of England was announced: the talents of the author, and the merits of the work, were estimated by the magnificent price which he was to receive; and the public, upon his word, placed him by anticipation, as the classic historian of his country and age, by the side of Hume, Robertson, and Gibbon. He possessed the talent of conversation; and his reputation in society raised still higher the expectations of the world. Society is said to be less cultivated in London than in other great capitals. It attained at this period its greatest éclat since the age of Anne. The genius and popularity of English living poets, the high estimation of the art, the marvellous events and extraordinary excitement of the time, the influx of distinguished foreigners from the different countries of Europe, rendered certain circles in London brilliant beyond example. Lord Byron was now at the height of his eccentric career; and Madame de Staël, after having paraded herself and her grievances, during ten years, from city to city on the Continent, came to London for the purpose of gathering homage through every gradation, from Grub Street to Holland House. Sir James Mackintosh squandered his mornings, his evenings, and his faculties, on those dazzling circles. He did the honours of the genius of Madame de Staël; he escorted, introduced, and exhibited her; he was himself among those whose acquaintance was sought by strangers, as one of the leading intellects of his nation: his presence was thought necessary wherever distinguished talents and the best company were combined for social enjoyment or for ostentation. But what were those frivolous successes of society—those perishable vanities of an hour—compared with the sacrifice of so large a portion of the small compass of human life, which might have been devoted in the solitude of his cabinet to the production of lasting monuments to his reputation? The only remains of his labours at this period are a few occasional papers in the "Edinburgh Review." Of his contributions to this publication some obtained a certain celebrity, and were known to be his: others are less known to the general reader, and were not read as his beyond the literary coteries of London.

The first paper by him appeared in November, 1812, on Dugald Stewart's account of a boy born deaf and blind. A more interesting subject could not present itself to one who had made the philosophy of mind his particular study. Sir James gives the following account of the means which

the sister of this singular creature had invented for communicating with him: —

"His sister has devised means for establishing that communication between him and other beings, from which nature seemed for ever to have cut him off. By various modifications of touch, she conveys to him her satisfaction or displeasure at his conduct. Touching his head with her hand is her principal method. This she does with various degrees of force, and in various manners; and he seems readily to understand the intimation intended to be conveyed. When she would signify her highest approbation, she pats him much and cordially, on the head, back, or hand. This expression more sparingly used signifies simple assent; and she has only to refuse him these signs of her approbation entirely, and repel him gently, to convey to him in the most effectual manner the notice of her displeasure. In this manner she has contrived a language of touch, which is not only the means of communication, but the instrument of some moral discipline. To supply its obvious and great defects, she has had recourse to a language of *action*, representing those ideas which none of the simple natural signs cognisable by the sense of touch could convey. When his mother was from home, his sister allayed his anxiety for her return, by laying his head gently down on a pillow once for each night that his mother was to be absent; implying that he would sleep so many times before her return. It was once signified to him that he must wait two days for a suit of new clothes, and this also was effectually done by shutting his eyes and bending down his head twice. In the mode of communicating his ideas to others, there is a very remarkable peculiarity. When his eye was pressed by Dr. Gordon, he stretched out his arm, as if to denote that the pressure reminded him of the operation performed at the most distant place which he had visited. When he wishes for meat, he points to the place where he knows it to be; and when he was desirous of informing his friends that he was going to a shoemaker's shop, he imitated the action of making shoes. But though no information is intentionally communicated to him without touching some part of his body, he did not attempt in any of these cases to touch that of others. To say that he addressed these signs to their sight would be incorrect; but he must have been conscious that they were endowed with some means of interpreting signs without contact, by an incomprehensible faculty which nature had refused to him."

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"As the materials of all human thought and reasoning enter the mind, or arise in it at a period which is prior to the operation of memory, and under the simultaneous action of *all* the senses, it is extremely difficult to ascertain what perceptions belong originally and exclusively to each of the organs of external sense. Our notion of every object is made up of the impressions which it makes on all the organs. Whatever may be thought of the mental act which originally unites these various impressions, it seems evident, that, in the actual state of every human understanding, the labour is to disunite them. Every common man thinks of them, and employs them in their compound state. To analyse them is an operation suggested by philosophy; and which, in the usual state of things, must always be most imperfectly performed. A man who, from the beginning, had all his senses complete, must have had all these impressions; and never can banish any of them from his mind. He can, indeed, attend to some of them so much more than to others, that he may seem to himself to exclude altogether that which he neglects. But to the perceptions of which he is conscious much will adhere, composed of

ingredients so minute and subtle, as to elude the power of will, and to escape the grasp of consciousness. He can approach analysis only by efforts of attention very imperfectly successful, and by suppositions often precarious, and, when pressed to their ultimate consequences, often also repugnant and inconceivable. For such purposes some philosophers have imagined intelligent beings with no other sense than that of vision; and others have represented their own hypothesis respecting the origin and progress of perception, under the history of a statue *successively* endowed with the various organs of sense. It is evident, however, that such suppositions can do no more than illustrate the peculiar opinions of the supposer, and cannot prove that which, in the nature of things, they pre-suppose.

"But when one inlet of perception is entirely blocked up, we then really see the variation in the state of the compound, produced by the absence of part of its ingredients; and hence it has happened, that the cure and education of the deaf and blind, besides their higher character among the triumphs of civilised benevolence, acquire a considerable, though subordinate, value, as almost the only great experiments which metaphysical philosophy can perform. Even these experiments are incomplete. Knowledge, opinion, and prejudice, are infused into the blind through the ear; and when they are accustomed to employ the mechanism of language, they learn the use of words as signs of things unknown, and speak with coherence and propriety on subjects where they may have no ideas. To fix the limits of the thoughts of a blind man who hears and speaks, is a problem beyond the reach of our present attainments in philosophy. That Sanderson and Blacklock could use words correctly and consistently, without corresponding ideas, seems to be certain; but how far their privation of thought extended beyond the province of light and colours, we do not seem yet to possess the means of determining. On the other hand, the deaf employ the sense of sight, — the most rapid and comprehensive of the subordinate faculties, of the highest importance for the direct original information which it conveys, as well as for the great variety of natural signs of which it takes cognisance, and for the conventional signs which the abbreviation of its natural language supplies. *Massieu*, evidently a mind of a far higher order than that of the poet or the mathematician whom we have mentioned, is also excluded from less knowledge; and if he were to reason on the theory of sound, there appears no ground for expecting that he might not employ his words with as much exactness as Sanderson displayed in the employment of algebraic signs. The information conveyed by the ear, respecting the condition of outward objects, is comparatively small. But its great importance consists in being the organ which renders it possible to use a conventional language on an extensive scale, and under almost all circumstances. The eye is the grand interpreter of natural signs. A being almost entirely deprived of both is a new object of philosophical examination."

Sir James Mackintosh had not witnessed the theatric exhibitions of Massieu at the school of the deaf and dumb in Paris, when he thus supposed him to possess a higher order of mind than Sanderson. The prodigy in Massieu was his dictating by signs, with the precision and rapidity of speech, to another deaf and dumb pupil who wrote down the verses of Voltaire or Racine, in the "Henriade" or the "Andromaque." But this proved rather the perfection to which the language of signs had been brought, than the

capacity of those who executed the process. His definitions of terms expressing complex ideas were fanciful or sentimental, rather than metaphysical or correct; his understanding of the vocabulary of the French language was limited and uncertain; he gave no proof of his being more than ordinarily endowed with the reasoning and inventive power.

The next appearance of Sir James is in the number dated October, 1813, as the reviewer of "Poems by Samuel Rogers." He speculates upon the philosophy of poetry as follows: —

"It may seem very doubtful, whether the progress and the vicissitudes of the elegant arts can be referred to the operation of general laws, with the same plausibility as the exertions of the more robust faculties of the human mind, in the severer forms of science and of useful art. The action of fancy and taste seems to be affected by causes too various and minute to be enumerated with sufficient completeness for the purposes of philosophical theory. To explain them may appear to be as hopeless an attempt as to account for one summer being more warm and genial than another. The difficulty must be owned to be great. It renders complete explanations impossible; and it would be insurmountable, even in framing the most general outline of theory, if the various forms assumed by imagination, in the fine arts, did not depend on some of the most conspicuous as well as powerful agents in the moral world. They arise from revolutions of popular sentiments. They are connected with the opinions of the age, and with the manners of the refined class, as certainly, though not as much, as with the passions of the multitude. The comedy of a polished monarchy never could be of the same character with that of a bold and tumultuous democracy. Changes of religion and of government, civil or foreign wars, conquests which derive splendour from distance, or extent, or difficulty; long tranquillity; — all these, and, indeed, every conceivable modification of the state of a community, show themselves in the tone of its poetry, and leave long and deep traces on every part of its literature. Geometry is the same, not only at London and Paris, but in the extremes of Athens and Samarcand. But the state of the general feeling in England, at this moment, requires a different poetry from that which delighted our ancestors in the time of Luther or Alfred. It ought to be needless to guard this language from misconception, by an observation so obviously implied, as that there are some qualities which must be common to all delightful poems of every time and country.

"During the greater part of the eighteenth century the connection of the character of English poetry with the state of the country was very easily traced. The period which extended from the English to the French Revolution was the golden age of authentic history. Governments were secure; nations tranquil; improvements rapid; manners mild beyond the example of any former age. The English nation, which possessed the greatest of all human blessings, a wisely-constructed popular government, necessarily enjoyed the largest share of every other benefit. The tranquillity of that fortunate period was not disturbed by any of those calamitous, or even extraordinary, events, which excite the imagination and inflame the passions. No age was more exempt from the prevalence of any species of popular enthusiasm. Poetry, in this state of things, partook of that calm, argumentative, moral, and directly useful character, into which it naturally subsides, when there are no events which call up the higher passions; when every talent is allured into the immediate service of a prosperous and improving

society; and when wit, taste, diffused literature, and fastidious criticism, combine to deter the young writer from the more arduous enterprises of poetical genius. In such an age, every art becomes rational. Reason is the power which presides in a calm; but reason guides rather than impels; and though it must regulate every exertion of genius, it never can rouse it to vigorous action."

It may be doubted, from the foregoing passage, whether the mind and habits of Sir James Mackintosh were not better suited to generalise upon morals and metaphysics than upon works of imagination and taste. The reader may ask himself how far he is enlightened by this passage, and will, perhaps, detect some obvious truisms disguised in the vocabulary of speculation. It is easy to perceive that he was already touched with the German fashion of literary criticism, but without those abstruse principles, the difficulty of fathoming which may arise from darkness as well as from depth. Having followed the progress of poetry, and traced the history of taste, from the rude ages to his own time, he thus characterises the genius of two living poets, then objects of distant gaze to the reading public, and inhaling in person the luxurious incense of fashionable society in London. Of Byron he says, —

"Even the direction given to the traveller by the accidents of war has not been without its influence. Greece, the mother of freedom and of poetry in the West, which had long employed only the antiquary, the artist, and the philologist, was at length destined, after an interval of many silent and inglorious ages, to awaken the genius of a poet. Full of enthusiasm for those perfect forms of heroism and liberty, which his imagination had placed in the recesses of antiquity, he gave vent to his impatience of the imperfections of living men and real institutions, in an original strain of sublime satire, which clothes moral anger in imagery of an almost horrible grandeur; and which, though it cannot coincide with the estimate of reason, yet could only flow from that worship of perfection, which is the soul of all true poetry."

The following, with an equivocal bow in passing to the supremacy of Scott, is his sketch of Moore: —

"The tendency of poetry to become national was in more than one case remarkable. While the Scottish middle age inspired the most popular poet, perhaps, of the eighteenth century, the national genius of Ireland at length found a poetical representative, whose exquisite ear and flexible fancy wantoned in all the varieties of poetical luxury,—from the levities to the fondness of love, from polished pleasantry to ardent passion, and from the social joys of private life to a tender and mournful patriotism, taught by the melancholy fortunes of an illustrious country,—with a range adapted to every nerve in the composition of a people susceptible of all feelings which have the colour of generosity, and more exempt, probably, than any other from degrading and unpoetical vices."

There is something dexterously ambiguous in the supremacy adjudged to Scott. The reflection could not escape the reader, and assuredly did

not escape Sir James, that the first poets of their respective ages have rarely been the most popular. It remains to give his estimate of the accomplished poet whose name figures at the head of the review : —

" In estimating the poetical rank of Mr. Rogers, it must not be forgotten that popularity never can arise from elegance alone. The vices of a poem may render it popular, and virtues of a faint character may be sufficient to preserve a languishing and cold reputation; but to be both popular poets and classical writers, is the rare lot of those few who are released from all solicitude about their literary fame. It often happens to successful writers, that the lustre of their first productions throws a temporary cloud over some of those which follow. Of all literary misfortunes, this is the most easily endured, and the most speedily repaired. It is generally no more than a momentary illusion produced by disappointed admiration, which expected more from the talents of the admired writer than any talents could perform.

" Mr. Rogers has long passed that period of probation, during which it may be excusable to feel some painful solicitude about the reception of every new work. Whatever may be the rank assigned hereafter to his writings, when compared to each other, the writer has most certainly taken his place among the classical poets of his country."

The supposition is more than poetically probable, that, on the evening of the day on which this solemn arbitration of poetical claims was promulgated to the town, the judge and the parties regaled together unmasked. It has been said of the Roman augurs, that they could scarcely have met without laughing in each other's faces. The history of priestcraft would not afford more edifying disclosures than the history of reviews. But profane intrusion upon the one may be as inadvisable as upon the other, and periodical criticism would not the less remain what it is, — the great standing mystification of the age. Lord Byron, in the journal kept by him at this period, records the event with a gravity which shows that a person endowed with the quickest and most unscrupulous sense of humour and the ridiculous may be insensible to both where he is himself concerned. " Redde," says he, " the Edinburgh Review of Rogers; he is ranked highly, but where he should be. There is a summary view of us all, — Moore and me among the rest; and both (the first justly) praised, though by implication (justly again) placed beneath our memorable friend. Mackintosh is the writer, and also of the critique on Staël. His grand essay on Burke, I hear, is for the next number."* Sir James's grand essay on Burke was never written.

The same number contains his review of the " Germany " of Madame de Staël. The vogue of Madame de Staël, the curiosity of the public re-

* Journal of Lord Byron, in Moore's Life. He uses the spelling " redde," throughout this Journal, from affectation, or because his mind unconsciously became imbued with archæisms in composing " Childe Harold."

specting the work, and the reputation of the reviewer, soon proclaimed to be Sir James Mackintosh, made the article an object of particular notice; its popularity was such, that it was soon republished in the form of a pamphlet. It is easy to see that where Sir James pronounces on the merits of the lady, and of the book, he must have drawn upon his skill in panegyric rather than upon his literary conscience; and that therefore his opinions on the general subject are the more valuable, whilst his compliments may be the more ingenious, parts of his review. After adverting to the state and progress of literature in other nations, he says of Germany,—

"But Germany remained a solitary example of a civilised, learned, and scientific nation without a literature. The chivalrous ballads of the middle age, and the efforts of the Silesian poets in the beginning of the seventeenth century, were just sufficient to render the general defect more striking. French was the language of every court; and the number of courts in Germany rendered this circumstance almost equivalent to the exclusion of German from every society of rank. Philosophers employed a barbarous Latin, as they had throughout all Europe, till the Reformation had given dignity to the vernacular tongues, by employing them in the service of religion; and till Montaigne, Galileo, and Bacon broke down the barriers between the learned and the people, by philosophising in a popular language, the German language continued to be the mere instrument of the most vulgar intercourse of life. Germany had, therefore, no exclusive mental possession; for poetry and eloquence may, and in some measure must, be national: but knowledge, which is the common patrimony of civilised men, can be appropriated by no people.

"A great revolution, however, at length began, which in the course of half a century terminated in bestowing on Germany a literature, perhaps the most characteristic possessed by an European nation. It had the important peculiarity of being the first which had its birth in an enlightened age. The imagination and sensibility of an infant poetry were singularly blended with the refinements of philosophy. A studious and learned people, familiar, in the poets of other nations, with the first simplicity of nature and feeling, were too often tempted to seek novelty in the singular, the excessive, and the monstrous. Their fancy was attracted towards the deformities and diseases of moral nature; the wildness of an infant literature, combined with the eccentric and fearless speculations of a philosophical age. Some of the qualities of the childhood of art were united to others which usually attend its decline. German literature, various, rich, bold, and at length, by an inversion of the usual progress, working itself into originality, was tainted with the exaggeration natural to the imitator, and to all those who know the passions rather by study than by feeling."

The following may be taken as a sample of his skill in compliment: —

"The voice of Europe has already applauded the genius of a national painter in the author of *Corinne*; but it was there aided by the power of a pathetic fiction — by the variety and opposition of national character—and by the charm of a country which unites beauty to renown. In the work before us she has thrown off the aid of fiction.

She delineates a less poetical character, and a country more interesting by expectation than by recollection.

"But it is not the less certain that it is the most vigorous effort of her genius, and probably the most elaborate and masculine production of the faculties of woman. What other woman indeed, or (to speak the truth without reserve) what living man could have preserved all the grace and brilliancy of Parisian society in analysing its nature—explained the most abstruse metaphysical theories of Germany precisely yet perspicuously and agreeably, and combined the eloquence which inspires the most pure, the most tender, and the most sublime sentiments of virtue, with the enviable talent of gently indicating the defects of men or of nations, by the skilfully softened touches of a polite and merciful pleasantry?"

It is said that people are most pleased with being complimented upon qualities which are generally denied them. The women of Paris denied Madame de Staël the graces which she affected; they pronounced her a Swiss, a German, a genius, — any thing but a Frenchwoman, —and this proscription of the sex is said to have mortified her more than the persecutions of Napoleon and his marble-hearted minister of police. Sir James appears to have had this in view when he complimented her on "the grace and brilliancy of Parisian society," and on "the skilfully softened touches of a polite and merciful pleasantry." She loved what the French call representation, and was by no means fastidious as to her audience. Her conversation was unfeminine, ambitious, and laboured, like her books; and Sir James must have been strangely fascinated, when he imagined that he saw polite pleasantry or Parisian grace in either. It was a common saying through literary Europe at the time, — and then only—for the saying and the book have since been permitted to sink into repose, —that Madame de Staël was aided by one of the Schlegels in the composition of her work. There are reasons for supposing that this was an injustice. Such charges, in the first place, are easily and eagerly made. In the next place, persons qualified to speak with authority of German scholarship pretended to discover in the work the imperfect acquaintance of a foreign writer with the German language and literature; the adepts in German metaphysics and mysticism denied the author of "Germany" the honours of initiation; and the amateurs of the German drama would not admit that the author sounded the depths of Goëthe. The question between the judgment of the reviewer in her favour on the one side, and the lapse of time which is against her on the other, may be left undecided. There is a remark of Sir James which well deserves to be repeated and remembered: —"In a comprehensive system of literature," says he, "there is sufficient place for the irregular works of sublime genius, and for the faultless models of classical taste." Assuredly there is; toleration is right in literature as

well as in religion, however desirable it may be that false principles should not prevail in either. Yet, in this very article, a trait of literary intolerance has, by a most rare exception, escaped Sir James. "There is," says he,

"a writer now alive, in England, who has published doctrines not dissimilar to those which Mad. de Staël ascribes to Schelling. Notwithstanding the allurements of a singular character, and an unintelligible style, his paradoxes are, probably, not known to a dozen persons in this busy country of industry and ambition. In a bigoted age, he might have suffered the martyrdom of Vanini or Bruno. In a metaphysical country, where a publication was the most interesting event, and where twenty universities, unfettered by church or state, were hotbeds of speculation, he might have acquired celebrity as the founder of a sect."

It is unnecessary to name the object of this allusion to those who are at all conversant with the matter, and the knowledge would be thrown away upon those who are not. He is the only man of letters between whom and Sir James Mackintosh any expressed alienation is known to have existed.

His next article is on Stewart's "View of the Progress of Metaphysical Science," in the Supplement to the "Encyclopædia Britannica." It will be found in the number of the "Edinburgh Review," dated September, 1816, and opens with the following character of Bacon:—

"Though there are passages in the writings of Lord Bacon more splendid than the above, few, probably, better display the union of all the qualities which characterised his philosophical genius. He has, in general, inspired a fervour of admiration which vents itself in indiscriminate praise, and is very adverse to a calm examination of the character of his understanding, which was very peculiar, and on that account described with more than ordinary imperfection, by that unfortunately vague and weak part of language which attempts to distinguish the varieties of mental superiority. To this cause it may be ascribed, that perhaps no great man has been either more ignorantly answered, or more uninstructively commended. It is easy to describe his transcendent merit in general terms of commendation; for some of his great qualities lie on the surface of his writings. But that in which he most excelled all other men was in the range and compass of his intellectual view—the power of contemplating many and distant objects together, without indistinctness or confusion—which he himself has called the discursive or comprehensive understanding. This wide-ranging intellect was illuminated by the brightest fancy that ever contented itself with the office of only ministering to Reason; and from this singular relation of the two grand faculties of man, it has resulted, that his philosophy, though illustrated still more than adorned by the utmost splendour of imagery, continues still subject to the undivided supremacy of intellect. In the midst of all the prodigality of an imagination which, had it been independent, would have been poetical, his opinions remained severely rational.

"It is not so easy to conceive, or at least to describe, other equally essential elements of his greatness, and conditions of his success. He is probably a single instance of a mind which, in philosophising, always reaches the point of elevation whence the whole prospect is commanded, without ever rising to such a distance as to lose a distinct per-

ception of every part of it. It is, perhaps, not less singular that his philosophy should be founded at once on disregard for the authority of men, and on reverence for the boundaries prescribed by nature to human enquiry; that he who had thought so little of what man had done, hoped so highly of what he could do; that so daring an innovator in science should be so wholly exempt from the love of singularity or paradox; that the same man who renounced imaginary provinces in the empire of science, and withdrew its landmarks within the limits of experience, should also exhort posterity to push their conquests to its utmost verge, with a boldness which will be fully justified only by the discoveries of ages from which we are yet far distant.

"No man ever united a more poetical style to a less poetical philosophy." One great end of his discipline is to prevent mysticism and fanaticism from obstructing the pursuit of truth. With a less brilliant fancy, he would have had a mind less qualified for philosophical enquiry. His fancy gave him that power of illustrative metaphor, by which he seemed to have invented again the part of language which respects philosophy; and it rendered new truths more distinctly visible even to his own eye, in their bright clothing of imagery. Without it, he must, like others, have been driven to the fabrication of uncouth technical terms, which repel the mind, either by vulgarity or pedantry, instead of gently leading it to novelties in science, through agreeable analogies with objects already familiar. A considerable portion, doubtless, of the courage with which he undertook the reformation of philosophy was caught from the general spirit of his extraordinary age, when the mind of Europe was yet agitated by the joy and pride of emancipation from long bondage. The beautiful mythology, and poetical history of the ancient world, not yet become trivial or pedantic, appeared before his eyes in all their freshness and lustre. To the general reader they were then a discovery as recent as the world disclosed by Columbus. The ancient literature, on which his imagination looked back for illustration, had then as much the charm of novelty, as that rising philosophy through which his reason dared to look onward to some of the last periods in its unceasing and resistless course.

"In order to form a just estimate of this wonderful person, it is essential to fix steadily in our minds what he was not, what he did not do, and what he professed neither to be nor to do. He was not what is called a metaphysician. His plans for the improvement of science were not inferred by abstract reasoning from any of those primary principles to which the philosophers of Greece struggled to fasten their systems. Hence he has been treated as empirical and superficial by those who take to themselves the exclusive name of profound speculators. He was not, on the other hand, a mathematician, an astronomer, a physiologist, a chemist. He was not eminently conversant with the particular truths of any of those sciences which existed in his time. For this reason, he was under-rated by men of the highest merit, who had acquired the most just reputation by adding new facts to the stock of certain knowledge. It is not, therefore, very surprising to find that Harvey, though the friend as well as physician of Bacon, 'though he esteemed him much for his wit and style, would not allow him to be a great philosopher;' but said to Aubrey, 'He writes philosophy like a Lord Chancellor,'—'in derision,' as the honest biographer thinks fit expressly to add. On the same ground, though in a manner not so agreeable to the nature of his own claims on reputation, Mr. Hume has decided, that Bacon was not so great a man as Galileo, because he was not so great an astronomer. The same sort of injustice to his memory has been more often committed than avowed, by professors of the exact and the experimental sciences, who are accustomed to regard, as the sole test of service to knowledge,

a palpable addition to its store. It is very true that he made no discoveries; but his life was employed in teaching the method by which discoveries are made. This distinction was early observed by that ingenious poet and amiable man, on whom we, by our unmerited neglect, have taken too severe a revenge for the exaggerated praises bestowed on him by our ancestors: —

> 'Bacon, like Moses, led us forth at last;
> The barren wilderness he pass'd,
> Did on the very border stand
> Of the blest promised land;
> And from the mountain top of his exalted wit,
> Saw it himself, and show'd us it.'"
>
> COWLEY's *Ode to the Royal Society.*

This eloquent delineation is worthy of its illustrious subject. But the claims of Bacon, as a discoverer, are mistaken or over-rated by popular admirers, and by Sir James Mackintosh. The Baconian, or strictly inductive, method of philosophising, was practised by some of the most distinguished philosophers of his own age, and of that which immediately preceded him. Copernicus had discovered by it the motions of the solar system. Galileo had investigated by it the laws which prevail in the descent of heavy bodies and in the motion of projectiles. But the most conclusive and splendid example of the rigorous, persevering, and successful application of the inductive method of philosophising, was exhibited in the discovery of those three celebrated laws of the planetary motions, called Kepler's laws, which contain the hidden germ of Newton's great law of gravitation. Bacon, though little acquainted with mathematics and physics, may have perceived the principle of reformation which was practised by these illustrious discoverers, — practised by them, perhaps unconsciously, — certainly without recognising and developing it in that general form in which it is associated with the name of Bacon. It is a fact worthy of notice, that Bacon vehemently opposed some of the very discoveries which were made by the application of his own method. His vain effort to refute the Copernican system is a striking instance. His own attempts in physics were few, and those few signal failures. His merit, in fine, consisted in discovering and recording the universality of a method of investigating nature, the principles of which had already in several instances been applied with eminent success. It was his fortune to teach it at so early a period as to be confounded in point of time with those who first practised it, and to do so with a captivating eloquence, which diverted his readers from a severe examination of his claims as a discoverer.

The continuation of the same discourse, in a subsequent volume of the Encyclopædia, was reviewed by Sir James in the Edinburgh Review, dated June, 1821. The subject of those articles is not popular: his treatment of it scarcely admits of extracts; and the expression of his opinions

on speculative science in the two papers is, to a certain extent, superseded by his subsequent dissertation in the Edinburgh Encyclopædia. The same number contains a review by him of Sir George Mackenzie's Memoirs of the Affairs of Scotland. It was the fortune of this article to call forth Dr. Wordsworth's essay in support of the claims of Charles I. to the authorship of the Eikon Basilike. Sir James reviewed the essay in the Edinburgh Review, dated June, 1826, and stripped the royal martyr of all title to that juggling piece of sanctified deceit. Nothing, indeed, but zeal, credulity, and imposture continued the belief that Charles was the author, after the exposure of the forgery made by Milton.

Sismondi's History of the French was reviewed by Sir James Mackintosh in the number dated July, 1821. Such an article should be interesting, as the judgment formed by one historic mind of another. The reviewer, it is true, is estimating in the historian his private friend; but there is here no necessity for those compliments and compromises, those dexterous ambiguities and evasive generalities, which are requisite in managing the jealous friendship and pampered susceptibilities of a fashionable poet. Sir James begins by deploring, as he frequently did in his writings and speeches, the want of a complete publication of the ancient records, and other not easily accessible materials, of English history. The task was, partly through his means, at last begun. But this literary exhumation is unfortunately too slow, cumbrous, and costly, to answer its ends. Sir James assumes the want of historic talent in France, and thus accounts for it:—

"It would be difficult, perhaps, to devise a plausible reason for the want of historical talent among a nation like the French, eminently distinguished in almost every other department of literature. Though history requires freedom more than most exertions of the human mind, yet the form of the French government does not, perhaps, sufficiently explain this singular deficiency. Even the great historian who ascribes to slavery the fall of Roman history, after the usurpation of Augustus, has justly added, that historical truth was then violated, not only by the base flatterers of tyrants, but more dangerously, because more speciously, by the indignation which tyranny excited. The milder monarchies of modern times neither exacted such undistinguishing adulation, nor inspired such strong abhorrence. Absolute monarchy, however, in its most moderate form, is, no doubt, destructive of the free spirit which is the soul of history: and it is remarkable that, as long as an irregular liberty was kept up by civil wars and religious controversies, France produced considerable historians; it was not till the establishment of a polished and peaceable despotism in the boasted age of Louis XIV., that the voice of history was utterly silenced. He, indeed, employed men of genius to compose the history of his reign, but he was ignorant that their genius must forsake them in the composition of a narrative which was to be approved by their master, when

they were degraded in their own eyes by the consciousness of dependence and partiality. It did not escape the sagacity of Tacitus, that the decline of history under the Imperial government was in part caused by the exclusion of the people from public affairs. In popular states, even where the historian himself has no direct experience of public business, he at least breathes an atmosphere full of political traditions and debates; he lives with those who think and speak more of them than of most other subjects. He cannot be an utter stranger to the spirit of civil prudence. Under absolute monarchies, on the other hand, the few who know the causes of events are either afraid to write, or see no importance in any thing but the intrigues by which they obtain and preserve power; and the task of writing history is necessarily abandoned either to mere compilers, or to sophists and rhetors, who, of all men, are the most destitute of insight into character, and of judgment in civil affairs.

"Another cause of the decay or absence of historical talent in France is probably to be found in the want of habits of research among their late popular writers. The genius of history is nourished by the study of original narrators, and by critical examination of the minute circumstances of facts. Ingenious speculation and ostentatious ornament are miserable substitutes for these historical virtues; and their place is still worse supplied by the vivacity or pleasantry which, where it is most successful, will most completely extinguish that serious and deep interest in the affairs of men, which the historian aims to inspire. An historian is not a jester or a satirist; it is not his business to sneer or laugh at men, or to lower human nature. It is by maintaining the dignity of man, and the importance of his pursuits, that history creates a fellow-feeling with his passions, and a delight in contemplating his character and actions."

The first part of this extract is not merely just, but obvious. The veracity of a king's historiographer is as doubtful as that of his poet-laureate; but was Sir James warranted in supposing, or, rather, in insinuating, in the latter part, that the age of Louis XIV. did not find an historian in France? It would have been more fair to the reader to have at once named Voltaire. Nothing is more common than denying the merit of research to versatility of genius, and to that quick sagacity, which can seize by a *coup d'œil* more than another mind could achieve in a life of plodding and detail. Speculation, because it is ingenious, is not therefore unsound: ostentatious ornament does not, and could not, exist in a work which is regarded as a standard of pure style and taste. Voltaire and Tacitus are satirists, but not the less historians: the one is no more a jester than the other, though his tone is sometimes less severe. It is not the historian who lowers human nature, but human nature that too frequently lowers itself. It would be right to maintain the dignity of man, and the importance of his pursuits, if man always had dignity, and his pursuits importance. In fine, though the historic genius of Voltaire has been unceasingly depreciated and denied, his "Age of Louis XIV.," and the "Essay on General

History," of which it forms a part, continue to be the most prized and popular work extant in the philosophy of history.

Sir James, in this article, estimates highly and justly the historic capacity of his friend. It is to be regretted that he did not sketch the distinctive character of one whose name, though living, has become classic among historians; and it is strange that, from want of sympathy, or from false prudence, he did not bring out that antique and republican tone which characterises every work of the historian of the Italian Republics.

It is time to resume the career of Sir James Mackintosh in Parliament. His speeches were few and short during the remainder of the session of 1813–14. The year was one of the most memorable in the annals of Europe. France was vanquished, Napoleon was dethroned, and the allied sovereigns already began the work of dismemberment and spoliation under the name of deliverers. But the House of Commons, intoxicated like the people with the fumes of military glory, was not yet in a state to hear words of truth and soberness. Sir James Mackintosh, therefore, however anxious to recover lost ground in St. Stephen's Chapel, had few opportunities. Sir Samuel Romilly brought in a bill for doing away with one of the most odious and absurd devices of barbarous jurisprudence — the corruption of blood. He was supported by Sir James Mackintosh, who treated the subject with the information of a lawyer and the views of a philosopher: it was his first step as the fellow-labourer of Sir Samuel Romilly in the task of civilising or humanising the criminal code of England. The chief opponent of the bill was Mr. Yorke, who deprecated the repeal of a law so ancient and venerable, and regarded the bill as "a slur on the mildness of his Majesty's reign." A few sentences from the reply of Sir James Mackintosh will afford a characteristic specimen of his parliamentary eloquence.

"I admit the antiquity of the present law; it is ancient as any other of our laws relating to high treason; but it is not more ancient than the law enacting the infliction of the *peine forte et dure*; it is not more ancient than the statute *de heretico comburendo*; it is not more ancient than the sentence for burning women convicted of petit treason, nor is it more ancient than any other of those disgraceful and oppressive statutes which formed the whole of the feudal system. It is asked, what necessity there is for altering the law in this respect? I would answer, the same necessity that there is for repealing the law for the infliction of torture, for the burning of women, or the burning of heretics — the necessity, that in a humane and enlightened age and country the laws should not be sullied, the heart hardened, and the understanding insulted, with barbarous and absurd enactments — a necessity the loudest, the most imperious, and the most indisputable of all others."

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"We are informed by Bishop Burnet, that when he wished to propose the repeal of the confiscating laws, in 1716, he was told that such a repeal would be proper in good times, but that circumstances then rendered them necessary; and by whom was he told so? By Lord Somers and Lord Cowper, who were at that time the lights and ornaments of their country. The circumstance which in their minds must have weighed against the immediate repeal of those laws was the French invasion of Scotland the preceding year (1715), in favour of the Pretender; so that it appeared to them, who were the framers and supporters of this very bill, that any extension of it beyond a period of imminent danger and alarm was a violation of the principle on which it was brought in. In 1745, half a century after its first introduction, Lord Hardwicke had made a declaration to the same effect, when he restricted the necessity of the continuance of the bill to the Pretender's lifetime; and it appears from the debates of that period (lately published), as well as from the preamble of the bill itself, that it was only intended to meet the pressure of circumstances, and was regarded as a rigorous and violent measure, unworthy of 'good times.' From the year 1709 to the year 1799, I stand on the authority of the greatest lawyers and statesmen that this country has produced, that the bill is to be considered as a temporary and accidental expedient, and not as a necessary and fundamental part of the law of the land; and that the making it general and unconditional in 1799 was the real innovation; for that is an innovation which alters the existing law."

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"To suppose that a law like that under the consideration of the committee would have the effect of deterring a man from the commission of a crime; to imagine that this law, through which a person unborn might, some fifty or a hundred years after the criminal's decease, miss an estate which he might otherwise have gained, — is to entertain an expectation more wild and extravagant than has ever been dreamt by the wildest sophists while forming visionary schemes of government. No stronger case was necessary to show the impropriety of continuing this law than one which an hon. and learned gentleman (Mr. Plunkett) has brought forward; where, through corruption of blood, an estate was lost to the children of an officer in his Majesty's army, who had been engaged in suppressing the Rebellion, in which his relation was concerned. This hardship has been endured to maintain the beautiful theory, that the corrupted blood of a traitor could not be a channel for the transmission of any property. For this, the children of an officer who had devoted his life to the cause of loyalty were to be made beggars; as if it were not enough that their unfortunate parent should draw his sword against his kinsman, and probably be placed in the distressing situation of unconciously depriving his relation of life. Can it be thought that it is no hardship for the children of such an officer to go on their knees to beg that bread, which, but for this law, they might have claimed as their right? I do not wish to asperse those through whom the bounty of the Crown is exerted; but I should despise that man who did not feel it a degradation to be compelled to implore that bounty. To be placed in this situation was revolting to the pride of an Englishman — to those feelings which had made this country what it now is, and what I trust in God it will ever remain."

High and petty treasons were excepted from the provisions of the bill. In a second bill, for doing away with the unspeakable horrors of the scaffold in executions for high treason, an amendment was introduced, that to

the words "and there be hanged" should be added, "and there be beheaded,"—and thus guarded by the practical wisdom of those who think terror the "divinity that doth hedge a king," and who even mistake for terror what is at once inhuman and inoperative, both bills passed into law.

Of the violent avulsions and annexations of independent but weak communities by the new arbiters of Europe, on the fall of Napoleon, but one was brought, during this session, under the notice of Parliament: it was the case of Norway, transferred from the crown of Denmark to that of Sweden. The hopeless insurrection of the Norwegians, and the blockade of their ports by a British fleet, will be remembered. The latter was brought before the House of Commons by Mr. W. Wynne, on the 12th of May. A question so interesting to Sir James Mackintosh, from his sense of public justice and knowledge of public right, could not have passed untouched by him. His speech on this, as on many subsequent occasions, appears to have been imperfectly reported. He lays down the principle of right as follows:—

"Puffendorff holds, that a prince might withdraw his garrisons; might recall his officers; and might transfer his own right to another; but that he could not cede or sell men. He could not, in fact, carry on a white slave trade. The commonwealth, no matter under what form it was administered, — whether by a senate, a king, or any other authority, — was the patrimony of the people. Their rights could not be transferred without their consent."

The blockade was called "merciful" by Mr. Stephen. He was thus answered by Sir James:—

"Whether the insurrection in Norway were the act of the Norwegian people, or the work of a mere faction, had, it seemed, become a question; and this question the British ministers proposed truly to decide by starving the whole, in order to render them unanimous! Yet this was denominated, by his learned friend who spoke last, a merciful war. What! that war merciful which threatened to famish a people, only because they loved their country, and refused to submit to a foreign power which they detested — only because they preferred independence to subjugation; and he heartily wished they might succeed in maintaining that independence."

He took a more conspicuous and important share in the debates of the following year. The war with America terminated early in the session. A wretched triumph in that disreputable war — the devastation of the city of Washington — is noticed and stigmatised by him as follows:—

"For every justifiable purpose of present warfare it was almost impotent. To every wise object of prospective policy it was hostile. It was an attack, not against the strength or the resources of a state, but against the national honour and public affections of a people. After twenty-five years of the fiercest warfare, in which every

great capital of the European continent had been spared, he had almost said respected, by enemies, it was reserved for England to violate all that decent courtesy towards the seats of national dignity, which, in the midst of enmity, manifests the respect of nations for each other, by an expedition deliberately and principally directed against palaces of government, halls of legislation, tribunals of justice, repositories of the muniments of property and of the records of history; objects among civilised nations exempted from the ravages of war, and secured, as far as possible, even from its accidental operation, because they contribute nothing to the means of hostility, but are consecrated to purposes of peace, and minister to the common and perpetual interest of all human society. It seemed to him an aggravation of this atrocious measure, that ministers had attempted to justify the destruction of a distinguished capital, as a retaliation for some violences of inferior American officers, unauthorised and disavowed by their government, against he knew not what village in Upper Canada. To make such retaliation just, there must always be clear proof of the outrage; in general, also, sufficient evidence that the adverse government refused to make due reparation for it; and, at least, some proportion of the punishment to the offence. Here there was very imperfect evidence of the outrage; no proof of refusal to repair; and demonstration of the excessive and monstrous iniquity of what was falsely called retaliation. The value of a capital is not to be estimated by its houses, and warehouses, and shops. It consisted chiefly in what could be neither numbered nor weighed. It was not even by the elegance or grandeur of its monuments that it was most dear to a generous people. They looked upon it with affection and pride, as the seat of legislation, as the sanctuary of public justice, often as linked with the memory of past times, sometimes still more as connected with their fondest and proudest hopes of greatness to come. To put all these respectable feelings of a great people, sanctified by the illustrious name of Washington, on a level with half a dozen wooden sheds in the temporary seat of a provincial government, was an act of intolerable insolence, and implied as much contempt for the feelings of America as for the common sense of mankind."

The chief object of this speech, on the treaty with the United States, seems to have been the popularity of his name in America; and he completely succeeded. His reputation appears to have been exalted, and his name cherished with partial kindness, by the Americans, from this period to his death.

The marvellous episode of the escape of Napoleon drew from him an eloquent speech in support of a motion on the subject by Mr. Abercrombie. The following passage may be cited as a specimen of his employment of sarcasm as a weapon of debate—in the use of which, without being distinguished, he was by no means inexpert:—

"But the most serious question undoubtedly remained! Napoleon was an independent prince. It would be an insult to his dignity to watch his movements. It would be a violation of his independence to restrain them. They who had starved Norway into subjection—they who sanctioned the annihilation of Poland, and the subjugation of Venice—they whose hands were scarcely withdrawn from the instrument which transferred Genoa to a hated master—were suddenly seized with the most profound

reverence for the independent sovereign of Elba, and shrunk with horror from the idea of saving the peace of Europe by preventing the departure of Napoleon Bonaparte from Porto Ferrajo! He must believe, that if the danger had been discussed at the Congress of Vienna, and if any paradoxical minister had made any scruples about the independence of Elba, his scruples would have been received with a general laugh. Count Nesselrode could quote the precedent of Stanislaus at Moscow. Prince Talleyrand would have been ready with that of Ferdinand at Valençay. The Congress would scarcely have avowed that all their respect for independence was monopolised by Napoleon."

The speech delivered by him in this session, on the transfer of Genoa, is among the ablest which he made in Parliament. It was his own motion; and he now appears, for the first time, put forward and supported by the great body of the Whigs. His speech is an elaborate composition: he seems to have felt that his reputation would rise or fall with the event. It may be necessary to state briefly the circumstances under which Genoa was annexed to Sardinia. Lord William Bentinck, representative of the English government in Italy, called upon the Italians, in the name of independence and their country, to expel the French. They trusted to this pledge of British faith and honour. It was redeemed by consigning Venice and the whole of Lombardy to the barbarian despotism of Austria, and Genoa to the odious and despised sovereignty of Sardinia. The Genoese had a much stronger case than the Milanese or Venetians. Lord William Bentinck, when occupying Genoa with British troops, in April, 1814, proclaimed "the Genoese nation restored to that ancient government under which it enjoyed liberty, prosperity, and independence;" and the ancient constitution was restored. All went on happily to the following December, when Lord Castlereagh announced to them, from the Congress of Vienna, their incorporation with the continental territories of the king of Sardinia. Genoa, "the superb," thus despoiled of her laws, liberties, independence, and existence as a state, was one of the finest subjects of popular oratory. Sir James brought to bear upon it all his resources as a student of public right and of the philosophy of history.

"What, then, will the House decide concerning the morality of compelling Genoa to submit to the yoke of Piedmont,—a state which the Genoese have constantly dreaded and hated, and against whom their hatred was sharpened by continual apprehensions for their independence? Whatever construction may be attempted of Lord William Bentinck's proclamations—whatever sophistry may be used successfully to persuade you that Genoa was disposable as a conquered territory—will you affirm that the disposal of it to Piedmont was a just and humane exercise of your power as a conqueror?

"It is for this reason, among others, that I detest and execrate the modern doctrine of rounding territory, and following natural boundaries, and melting down small states

into masses, and substituting lines of defence, and right and left flanks, instead of justice and the law of nations, and ancient possession and national feeling; the system of Louis XIV. and Napoleon, of the spoilers of Poland, and the spoilers of Norway and Genoa, — the system which the noble Lord, when newly arrived from the Congress, and deeply imbued with its doctrines, had delivered, in his ample and elaborate invective against the memory and principles of ancient Europe, when he condensed the whole new system into two phrases so characteristic of his reverence for the rights of nations, and his tenderness for their feelings, that they ought not easily to be forgotten, — when he told us, speaking of this very antipathy of Genoa to Piedmont, that 'great questions are not to be influenced by popular impressions;' and that 'a people may be happy without independence.' The principal article of the new system is the incorporation of neighbouring, and therefore hostile, communities. The system of justice reverenced the union of men who had long been members of the same commonwealth, because they had been long fellow-citizens, and had all the attachments and antipathies which grow out of that fellowship. The system of rapine tears asunder those whom nature has joined, and compels those to unite, whom the contests of ages had rendered irreconcilable. And if all this had been less evident, would no aggravation of this act have arisen from the peculiar nature of the general war of Europe against France? It was a war in which not only the Italians, but every people in Europe, were called by their sovereigns to rise for the recovery of their independence. It was a revolt of the people against Napoleon. It owed its success to the spirit of popular insurrection. The principle of a war for the restoration of independence was a pledge that each people were to be restored to their ancient territory. The nations of Europe accepted the pledge, and shook off the French yoke. But was it for a change of masters? Was it that three foreign ministers, at Paris, might dispose of the Genoese territory, — was it for this that the youth of Europe had risen in arms from Moscow to the Rhine?—

'Ergo pari voto gessisti bella juventus?
Tu quoque pro dominis et Pompeiana fuisti
Non Romana manus!'"

He assimilates the principles of the Congress of Vienna and those of the French Revolution: —

"The Congress of Vienna seems, indeed, to have adopted every part of the French system, except that they have transferred the dictatorship of Europe from an individual to a triumvirate. One of the grand and parent errors of the French Revolution was the fatal opinion that it was possible for human skill to make a government. It was an error too generally prevalent, not to be excusable. The American Revolution had given it a fallacious semblance of support, though no event in history more clearly showed its falsehood. The system of laws, and the frame of society in North America, remained after the Revolution, and remain to this day, fundamentally the same as they ever were. The change in America, like the change in 1688, was made in defence of legal right, not in pursuit of political improvement; and it was limited by the necessity of defence which produced it. The whole internal order remained, which had always been essentially republican. The somewhat slender tie which loosely joined these republics to a monarchy was easily and without violence divided. But the error of the French Revolutionists was, in 1789, the error of Europe. From that error we have been long reclaimed by fatal experience. We know, or rather we

have seen and felt, that a government is not, like a machine or a building, the work of man; that it is the work of nature, like the nobler productions of the vegetable and animal world, which man may improve, and corrupt, and even destroy, but which he cannot create. We have long learned to despise the ignorance or the hypocrisy of those who speak of giving a free constitution to a people, and to explain with a great living poet—

> 'A gift of that which never can be given
> By all the blended powers of earth and heaven!'

"We have, perhaps, as usual, gone too near to the opposite error, and we do not make sufficient allowances for those dreadful cases which we must not call desperate, where, in long enslaved countries, we must either humbly and cautiously labour to lay some foundations from which liberty may slowly rise, or acquiesce in the doom of perpetual bondage on ourselves and our children.

"But though we no longer dream of making governments, the confederacy of kings seem to feel no doubt of their own power to make nations. Yet the only reason why it is impossible to make a government is, because it is impossible to make a nation. A government cannot be made, because its whole spirit and principles arise from the character of the nation. There would be no difficulty in framing a government, if the habits of a people could be changed by a lawgiver; if he could obliterate their recollections, transfer their attachment and reverence, extinguish their animosities, and correct those sentiments which, being at variance with his opinions of public interest, he calls prejudices. Now, this is precisely the power which our statesmen at Vienna have arrogated to themselves. They not only form nations, but they compose them of elements apparently the most irreconcilable. They made one nation out of Norway and Sweden: they tried to make another of Prussia and Saxony. They have, in the present case, forced together Piedmont and Genoa to form a nation which is to guard the avenues of Italy, and to be one of the main securities of Europe against universal monarchy.

"It was not the pretension of the ancient system to form states, to divide territory according to speculations of military convenience, and to unite and dissolve nations better than the course of events had done before. It was owned to be still more difficult to give a new constitution to Europe, than to form a new constitution for a single state. The great statesmen of former times did not speak of their measures as the noble Lord did about the incorporation of Belgium with Holland (against which I say nothing), 'as a great improvement in the system of Europe.' That is the language only of those who revolutionise that system by a partition like that of Poland, by the establishment of the federation of the Rhine at Paris, or by the creation of new states at Vienna. The ancient principle was to preserve all those states which had been founded by time and nature, which were animated by national spirit, and distinguished by the diversity of character which gave scope to every variety of talent and virtue; whose character was often preserved, and whose nationality was sometimes created, by those very irregularities of frontier and inequalities of strength, of which a shallow policy complained; — to preserve all those states, down to the smallest, first by their own national spirit, and, secondly, by that mutual jealousy which made every great power the opponent of the dangerous ambition of every other. It was to preserve nations, living bodies, produced by the hand of nature, not to form artificial dead machines, called states by the words and parchment of a diplomatic act. Under this ancient system, which secured the weak

by the jealousy of the strong, provision was made alike for the permanency of civil institutions, the stability of governments, the progressive reformation of laws and constitutions; for combining the general quiet with the highest activity and energy of the human mind; for uniting the benefits both of rivalship and of friendship between nations; for cultivating the moral sentiments of men, by the noble spectacle of the long triumph of justice in the security of the defenceless; and, finally, for maintaining uniform civilisation by the struggle as well as union of all the moral and intellectual combinations which compose that vast and various mass. It effected these noble purposes, not merely by securing Europe against one master, but against any union or conspiracy of sovereignty, which, as long as it lasts, is in no respect better than the domination of an individual. The object of the new system is to crush the weak by the combination of the strong; to subject Europe, in the first place, to an oligarchy of sovereigns, and ultimately to swallow it up in the gulf of universal monarchy, where civilisation has always perished, with freedom of thought, with controlled power, with national character and spirit, with patriotism and emulation; in a word, with all its characteristic attributes, and with all its guardian principles.

"I am content, Sir, that these observations should be thought wholly unreasonable by those new masters of civil wisdom, who tell us that the whole policy of Europe consists in strengthening the right flank of Prussia, and the left flank of Austria; who see in that wise and venerable system, long the boast and the safeguard of Europe, only the millions of souls to be given to one power, or the thousands of square miles to be given to another; who consider the frontier of a river as a better protection for a country than the love of its inhabitants; and who provide for the safety of their states by wounding the pride and mortifying the patriotic affection of a people, in order to fortify a line of military posts. To such statesmen I will apply the words of the great philosophical orator, who so long vainly laboured to inculcate wisdom in this House:—'All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians who have no place among us; a sort of people who think that nothing exists but what is gross and material; and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which in the opinion of such men as I have mentioned have no substantial existence, are in truth every thing, and all in all.'

"This great man, in the latter part of his life, and when his opinions were less popular, was often justly celebrated for that spirit of philosophical prophecy which enabled him early to discern in their causes all the misfortunes which the leaders of the French Revolution were to bring on the world by their erroneous principles of reformation,—'Quod ille pene solus Romanorum animo vidit, ingenio complexus est, eloquentia illuminavit.' But it has not been remembered, that his foresight was not limited to one party or to one source of evil. In one of his immortal writings, of which he has somewhat concealed the durable instruction by the temporary title, he clearly enough points out the first scene of partition and rapine—the indemnifications granted out of the spoils of Germany in 1802:—'I see, indeed, a fund from whence equivalents will be proposed. It opens *another Iliad of woes to Europe.*'"

This speech might have had more vivacity and force of rhetorical movement. The labour of the pen is too apparent; and the more sanguine friends

of reform in society and government will controvert his position, that a people cannot pass directly from despotism to freedom. But it remains not only a favourable, but an authentic specimen of his oratory. It was evidently prepared for publication by himself. The resolutions with which he concluded were opposed by ministers, and of course negatived.

In the session of 1816 he supported the amendment of Lord Milton, to the address moved by Lord Castlereagh on the treaties with foreign powers, in a speech of which the merit cannot be estimated from the imperfect report of it in the parliamentary debates. His speech on the army estimates, against the large military establishment proposed by ministers, contains some admirable passages. The following, on standing armies, may be cited for almost every merit of popular eloquence:—

"In despotic countries it may be necessary to maintain great armies as seminaries of warlike spirit. The mind, which in such wretched countries has no noble object to employ its powers, almost necessarily sinks into languor and lethargy when it is not roused to the destructive frenzy of war. The show of war during peace may be necessary to preserve the chief skill of the barbarian, and to keep up the only exalted feeling of the slave. The savage soon throws off habits of order, and the slave is ever prone to relapse into the natural cowardice of his debased condition. But in this mightiest of free communities, where no human faculty is suffered to lie dormant, and where habitual order and co-operation give effect to the intense and incessant exertion of power, the struggles of honourable ambition, the fair contests of political party, the enterprises of ingenious industry, the pursuits of elegant art, the fearless exercise of reason, upon the most venerable opinions, and upon the acts of the highest authorities, the race of many for wealth, and of a few for power or fame, are abundantly sufficient to cultivate those powers, and to inspire those energies which, at the approach of war, submit to discipline, and quickly assume the forms of military science and genius. A free nation, like ours, full of activity and boldness, and yet full of order, has all the elements and habits of an army, prepared by the happy frame of its society. We require no military establishments to nurse our martial spirit. It is our distinction, that we have ever proved ourselves in time of need a nation of warriors, and that we never have been a people of soldiers. It is no refinement to say that the national courage and intellect have acted with the more vigour on the approach of hostility, because we are not teased and worried into petty activity — because a proud and serious people have not been degraded in their own eyes by acting their awkward part in holiday parade. Where arms are the national occupation, the intervals of peace are times of idleness, during which a part, at least, of the people must fit themselves for the general business, by exercising the talents and qualities which it requires. But where the pursuits of peace require the highest activity, and the nature of the government calls forth the highest spirit, the whole people must always possess the materials and principles of a military character. Freemen are brave, because they rely on themselves. Liberty is our national point of honour. The pride of liberty is the spring of our national courage. The independent spirit, the high feeling of personal dignity, and the consequent sensibility to national honour, — the true sources of that

valour for which this nation has been renowned for ages,—have been in a great measure created and preserved by their being accustomed to trust to themselves for defence against invasion from abroad or tyranny at home. If they lean on an army for safety, they will soon look to it with awe, and thus gradually lose those sentiments of self-respect and self-dependence — that pride of liberty — which are the peculiar and the most solid defences of this country."

He spoke seldom, and very briefly, during the session of 1817. This may be ascribed to the state of his health, and the greater devotion of his time to his intended continuation of Hume. The frequency of his references in his speeches, during the two preceding years, to the events in the reigns of Charles II., James II., and William III., render it probable that his mind was particularly engaged with these periods. His historic arguments and illustrations, though always bearing on the subject, were not always felt or followed by those whose minds were not so informed as his own. A treaty for the prevention of the slave trade, concluded with Spain towards the close of 1817, was taken into consideration on the 9th of February, 1818. It was strenuously supported by Sir James Mackintosh. The following eloquent passage was cheered. Rhetoric and sentiment have seldom been more happily blended.

"For myself, I feel a pride in the British flag being, for this object alone, subjected to search by foreign ships. I think it a great and striking proof of magnanimity, that the darling point of honour of our country, the British flag itself,—which, 'for a thousand years, has braved the battle and the breeze'—which has never been lowered to an enemy—which has defied confederacies of nations—to which we have clung closer and closer as the tempest roared around us—the principle of our hope and safety, as well as of our glory — which has borne us through all perils, and raised its head higher as the storm assailed us more fearfully, — has now risen to loftier honour, by bending to the cause of justice and humanity. Our pride, which never shrank from the most powerful enemy — our national jealousy — our most cherished prejudices — are thus voluntarily suspended. That which has braved the mighty, now lowers itself to the feeble and defenceless — to those who, far from being able to make us any return, will never hear of what we have done for them, and, probably, are ignorant of our name."

The question of Bank forgeries was submitted by him to the House of Commons twice in the course of this session. A series of resolutions which he proposed were adopted by the House. His next proceeding was to move a committee of enquiry. The previous exertions of Sir James Mackintosh, and of Sir Samuel Romilly from an earlier period, had already made such an impression on the public, that the government admitted the necessity of enquiry, and substituted, as an amendment, the appointment of commissioners under the great seal. The amendment was carried. The death of Sir Samuel Romilly, under mournful circumstances, took place before the

next meeting of Parliament; and the task of proposing mitigations of the criminal code devolved solely on Sir James Mackintosh. On the 2d of March, in the following session of 1819, he moved the appointment of a committee to enquire into so much of the criminal laws as related to capital felonies. The speech with which he introduced his motion was praised by Mr. Canning as a combination of luminous arrangement and powerful argument, with chaste and temperate eloquence. It was an admirable statement of facts and reasons; and, therefore, to be justly estimated, must be read as a whole. He was met by ministers with the previous question: his motion was carried by a majority of 147 to 128, and the House rang with cheers.

It is observable that Sir James Mackintosh, since his entrance into Parliament, confined his speeches almost wholly to questions of foreign policy, and to subjects of domestic legislation, in which party had little share. His name does not appear in the strife of party and debate upon those measures of the government and motions of the opposition which grew out of public distress, discontent, popular excesses, and criminal organisations, among large masses of the labouring people. The passing of the Foreign Enlistment Act, out of complaisance to Ferdinand VII., King of Spain, or rather to the spirit of despotic power in the Holy Alliance, remains a signal proof of the parliamentary strength and inherent meanness of the administration of that day. It was opposed by Sir James Mackintosh, in a speech of surpassing eloquence and effect, of which, unhappily, there are but very imperfect remains. The close of the passage in his speech, of which the following version in the Parliamentary Debates is but an imperfect outline, was received by the House of Commons with acclamation: —

"What would the scrupulous politicians of the present times say, when he mentioned the name of one of the greatest princes and most valiant leaders that Europe had ever beheld, — a man whose sword had vindicated the cause of civil and religious liberty against the combined efforts of tyrannical power, — what, he asked, would they say when he referred them to the instance of Gustavus Adolphus, who had in his pay, not a small proportion of British troops, not a little smuggled army, headed by a few half-pay officers, on board a transport or two in the Downs, but a band of 6000 men, raised in Scotland; and by whose co-operation with a handful of other troops he was enabled to traverse a great part of Europe, to vanquish the host that opposed him, and to burst the galling fetters of Germany? And who was the chief by whom those 6000 British troops were led? Not an adventurer, — not a Sir Gregor M'Gregor, of whom he knew little, and for whom he certainly cared less, — but the Marquis of Hamilton; a man of the first distinction and consequence in his own country — the personal friend of the king — from whom, however, he had no licence. At that time

the Spanish and Imperial ambassadors were resident in London; but neither of them presumed to remonstrate, or to make a demand like that which had been made in the present day. It was expressly laid down by Vattel, that a nation did not commit a breach of neutrality by allowing its subjects to enter into the service of one belligerent, and refusing the same permission with respect to another. There was one case more, which occurred in the reign of James I., to which he could not help adverting. At that period a great body of English troops, commanded by one of the most gallant captains of his day, Sir Horace Vere, served against the Spaniards, and received pay from a foreign power. Yet Gondomar, the Spanish ambassador, whom King James was endeavouring by the most servile and abject submission to conciliate — who might be almost termed the viceroy of Spain in this country — who had sufficient influence to cause the murder of that most distinguished individual, the ornament of his native country and of Europe, who united in himself more kinds of glory than had perhaps ever been combined in an individual — that intrepid soldier, that skilful mariner, that historian, that poet, that philosopher, that statesman — Sir Walter Raleigh; — Gondomar, whose power protected him from the punishment he deserve for such an act, dared not go so far as to require the boon which his Majesty ministers now called on the House of Commons of England to have the condescensic to grant! The present was not a more important question as it affected the ruine commerce of a great country, than as it established a most dangerous preceden With what authority would the envoys of despotic powers henceforward besiege th doors of a British minister with the most disgraceful claims! With what unanswe able force would they say, 'You granted this with facility to Spain, and you granted when Spain was under the dominion of Ferdinand VII.: on what ground can yo withhold it from us?' Dangerous and degrading would it indeed be, if Ferdinand VI could prevail on an assembly of British gentlemen to establish a precedent whic would subject the British government to be dictated to in future times by persons — any such there could possibly be — resembling him in character. What they ha refused to the greatest of modern military tyrants and despotic sovereigns — what the had denied to Louis XIV. and Philip II. — they were required to give to such a man : Ferdinand VII.! The reigning sovereign of Spain, whose character he would n trust himself to describe, had achieved an object in which all his predecessors ha failed. He had made those bend to him —

'Quos nec Tydides nec Larissæus Achilles.'"

Mr. Grattan died in 1820. The mover of a new writ for Dublin supply his place would be expected to pronounce an eulogy upon h character. Sir John Newport declined the motion, as requiring a speci of eloquence inconsistent with his ambition and style. The task was ir posed upon Sir James Mackintosh. Whether from the want of preparatio of which there is some evidence, or because the success of such performanc depends upon graceful turns of phrase, touching allusions, happy inspir tions, and a familiar knowledge of the deceased, the eulogy of Sir James a failure. His prelude on funeral orations in general is longer than l eulogy of the subject of his own. Panegyric on the dead was, he observe

not consistent with the character, habits, and simplicity of Englishmen. It was a practice more suited to a land of slaves than to a land of freemen. He here meant evidently to contrast the English with the French — not, perhaps, in his best taste — and proscribed the funeral eulogies of the French pulpit and French academy. The academy may be given up to him; it has produced little else than ingenious pieces of rhetoric and adulation. But it should be remembered that the French pulpit produced the funeral panegyrics of Bossuet, Flechier, Bourdaloue, and Massillon. Slavery no more inspired the eloquence of those immortal orations, than it inspired the funeral character of the Duke of Bedford by Fox, or that of Franklin by Mirabeau. There is not, perhaps, a finer or a more fitting theme for sacred or civic eloquence than the bier. If it could be cultivated by slaves, how much more nobly might it be exercised by the free? It is, doubtless, liable to be abused and vulgarised; but this is the lot of every talent and every art. Sir James having shown that panegyrics of the dead are forbidden by the character of the English people; that, however, on certain rare occasions, the House of Commons might depart from the rule; and that the late member for Dublin came within the range of exceptive cases; gives the following sketch of Grattan in his public and private life: —

" Mr. Grattan had been particularly distingusihed in the course of his parliamentary career. He was the first (so far as he was informed), and certainly he was the only, individual of our age to whom Parliament had voted a recompence for services rendered to the country by one who was no more than a private gentleman, and who had neither civil nor military honours. Mr. Grattan was the only man to whom a parliamentary grant, under such honourable circumstances, had ever been made. It was near forty years since the Irish Parliament voted an estate to Mr. Grattan and his family for his public services; not, indeed, as a recompence, because it was wholly impossible to recompense such services, but, as the vote itself expressed it, 'as a testimony of the national gratitude for great national services.' These were the words of the grant. He need not remind the House what those services were, or what were the peculiar terms on which they were acknowledged; the only thing necessary to be be said was this,—that he was the founder of the liberties of his country.' Mr. Grattan found that country a dependent province upon England, and he made her a friend and an equal: he gave to her native liberties, and he gave a name among the nations of the earth to a brave and generous people. So far as he (Sir James Mackintosh) knew, this was the only man recorded in history, whose happiness and glory it was to have liberated his country from the domination of a foreign power, not by arms and blood, but by his wisdom and eloquence. It was Mr. Grattan's peculiar felicity, that he enjoyed as much consideration in that country whose power over his own he had done his utmost to decrease, as he enjoyed in that for which he had achieved that important liberation. But there were still more peculiar features in the general character and respect which he was so fortunate as to maintain in both kingdoms. It must be admitted that no great political services could be rendered to mankind without incur-

ring a variety of opinions, and of honourable political enmities. It was, then, to be considered as the peculiar felicity of the man whose loss they deplored, that he survived them for a period of forty years; he survived till the mild, mellowing hand of time, and the private virtues of advanced age, in him so particularly conspicuous, had produced so general an impression, that that House, divided as it was on other subjects, all united to do honour to his talents and merits; and, followed by their admiration to the end of his career, he doubted not that the tribute which he called on the House to render to his memory would be deep, sincere, and unanimous. He had said that such honours should only be bestowed in cases where posterity would be sure to approve the decision. Grattan, he was certain every one must feel, would be a great name in our annals. His life would fill a most important space upon the page of history; for it would be connected with the greatest events of the last century. Fertile as the British empire had been in great men during our days (as fertile as it had been in any former period of our history), Ireland had undoubtedly contributed her full share of them. But none of these — none of her mighty names, not even those of Burke, and Sheridan, and Wellington — were more certain of honourable fame, or would descend with more glory to future ages, than that of Grattan."

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"If he might be permitted to mention the circumstance, he would observe that there was one strong peculiarity in Mr. Grattan's parliamentary history, which was, perhaps, not true of any other man who ever sat in that House. He was the sole person, in the history of modern oratory, of whom it could be said that he had arrived at the first class of eloquence in two parliaments, differing from each other in their opinions, tastes, habits, and prejudices, as much, possibly, as any two assemblies of different nations. Confessedly the first orator of his own country (of which he would say that wit and humour sprang up there more spontaneously than in any other soil), he had come over to this country at a time when the taste of that House had been rendered justly severe by its daily habit of hearing speakers such as the world had rarely before witnessed. He had, therefore, to encounter great names on the one hand, and unwarrantable expectations on the other. These were his difficulties, and he overcame them all. He had outstripped the affectionate expectations of his friends; and he had made those bend to his superior genius, who had, perhaps, formed a very different estimate of his powers."

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"This great man died in the attempt to discharge his parliamentary duties. He did not, indeed, die in that House, but he died in his progress to it, to continue his efforts in that cause of which he had so long been the eloquent advocate. He expired in the public service, sacrificing his life with the same willingness and cheerfulness with which he had ever devoted his exertions to the same cause.

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"The purity of his private life was equal to the brightness of his public glory. He was one of the few private men whose private virtues were followed by public fame; he was one of the few public men whose private virtues were to be cited as examples to those who would follow his public steps. He was as eminent in his observance of all the duties of private life as he was heroic in the discharge of his public ones. He (Sir J. Mackintosh) had not the honour to know Mr. Grattan until late in life. Among those men of genius whom he (Sir J. Mackintosh) had had the happiness of knowing, he had always found a certain degree of simplicity accompanying the possession of that

splendid endowment. But, among all the men of genius he had known, he had never, in advanced age, met with a man in whom native grandeur of mind, with vast stores of knowledge at his command, was so happily blended with rational playfulness and infantile simplicity — such native grandeur of soul accompanying all the wisdom of age, and all the simplicity of genius—as in Mr. Grattan. He had never known any one in whom the softer qualities of the soul combined so happily with the mightier powers of the intellect. In short, if he were to describe his character briefly, he should say, with the ancient historian, that he was 'vitâ innocentissimus; ingenio florentissimus; proposito sanctissimus.' As it had been the object of his life, so it was his dying prayer, that all classes of men might be united by the ties of amity and peace. The last words which he uttered were, in fact, a prayer that the interests of the two kingdoms of Great Britain and Ireland might be for ever united in the bonds of affection; that they might both cling to their ancient and free constitution; and (as most conducive to effect both these objects) that the legislature might at length see the wisdom and propriety of adopting a measure which should efface the last stain of religious intolerance from our institutions. He trusted that he should not be thought too fanciful, if he expressed his hope that the honours paid to Mr. Grattan's memory in this country might have some tendency to promote the great objects of his life, by showing to Ireland how much we valued services rendered to her, even at the expense of our own prejudices and pride. The man who had so served her must ever be the object of the reverential gratitude and pious recollections of every Irishman. When the illustrious dead were gathered into one common tomb, all national distinctions faded away, and they seemed to be connected with us by a closer union than laws or governments could produce. It was natural to dwell on their merits, and on their probable reward; and he felt that he could not better close what he had to say on this subject, than by applying to Mr. Grattan the lines written on one who had successfully laboured to refine our taste and our manners, but wh ohad nothing in common with Mr. Grattan but a splendid imagination and a spotless life. Of Mr. Grattan, when he should be carried to that spot where slept the ashes of kindred greatness, might truly be said, —

> 'Ne'er to those chambers where the mighty rest,
> Since their foundation came a nobler guest;
> Nor e'er was to the bowers of bliss convey'd
> A purer spirit, or more welcome shade.'"

The year 1820 was signalised by the momentary success of the attempts in Spain and Italy to deliver those great European peninsulas from slavery. It is unnecessary to do more than recall to the memory of the reader the events of that period, and the part played by the British ministry of that day in its relations with the Holy Alliance. Several motions relating to the state of Europe, and the specific wrongs of particular nations, were made by the Opposition in both Houses. The case of Naples excited a strong interest. It was submitted to the House of Commons, by Sir James Mackintosh, on the 21st of February, 1821. His speech, evidently revised by him for the press, remains a valuable monument of his talents, and of the eloquence of Parliament. Sir James never forgot the manœuvre by which Lord Castlereagh impeded his success, and humiliated

his pride, at the commencement of his career in the House of Commons. He lost no occasion in private of decrying the capacity, and ridiculing the oratory, of that minister. It was not, however, till after a considerable lapse of time that he ventured to engage Lord Castlereagh in open combat. This speech contains one of his most vigorous sallies against an antagonist, who, from the union of creeping and languid declamation with a certain eluding suppleness of vocabulary, and a temperament of soul which could neither be daunted nor inflamed, and might easily be provoked, was at once feeble and dangerous in debate.

"And now he must take the liberty of bespeaking particularly the attention of the House to this part of the impeachment against Prince Metternich, which was so ably conducted by the noble Lord. The case stood thus:—Prince Metternich, and the other ministers of the allied powers, had proposed to the government of Great Britain a system of measures which would enable the present or any future administration to invite into this country an army, for instance, of 100,000 Russians or Austrians. It was in effect a proposition for encamping a whole horde of Cossacks or Croats in Hyde Park, and for protecting the free and unbiassed deliberations of that House by an army of Germans and Russians. He begged permission to offer some observations upon this matter. A measure, for the first time since the reign of Charles II., had been proposed to his Majesty's government by foreign courts, the object of which was no less than for this government to enter into a solemn agreement to receive mercenary armies from the Continent to dictate laws to the people of England. In case of civil danger, or that which a bad minister might be pleased to call civil danger, such a proposition might possibly be entertained; but those foreign courts had the audacity to propose to ministers that they should admit into the kingdom foreign troops without limit or restriction. When he said that such a case had not occurred since the reign of Charles II., he should have added that the present proceeding was, in one respect at least, infinitely more audacious; for the mysterious communication which subsisted between Charles and Louis was involved, as such transactions should be, in darkness and obscurity. But, in the present instance, this scandalous proposition was published in the face of all Europe, and intimation of it had been given to every minister in every court. In the face of Europe, Great Britain was required to receive foreign armies to compose our domestic quarrels, and to preserve the national tranquillity. Now, he should be ashamed of himself, and of those whom he had the honour of addressing —he should blush for his country and her Parliament—if he could imagine that there was a single Englishman among them whose blood did not boil with resentment at the bare suggestion of a foreign power interposing in our domestic government, or a foreign bayonet interfering in our private quarrels. From the highest visionary or enthusiast in the country on the side of liberty, to the lowest and most humble labourer it contained, such a proposal would meet with indignant rejection.

"He would pray the House to observe the manner in which this proposal of these great military powers was put forward. Not content with laying down in theory a principle which they described as applicable in practice to all states, they dared to propose it to England. Upon the whole it appeared, then, that they had required the

suppression of that which had been framed and instituted upon the greatest authority; that their proposal went to annihilate a sacred law, which had existed for ages in this country—a corner stone of that venerable constitution around which so many trophies and memorials of its greatness and its policy had been reared in the lapse of centuries. This was the demand of those who had waged war upon the liberties of states, and had violated the rights of man. If this were so, as he had stated it, the most serious part of the matter before the House remained untold. These sovereigns, or their ministers, told us, in their circular, that they had no doubt of the assent of the British government to the principles which it contained; that is, to a system of measures which would reduce Great Britain to the state of a province — a miserable and infamous dependency on the despots of the Continent. This was the plain inference. After so many of these demonstrations and declarations, and '*abouchemens des rois*,' all made in the true spirit of that Holy Alliance which fostered these just, and virtuous, and equitable maxims, the result was, that those courts gave us to understand that Great Britain must consent to a principle that should justify the landing of 100,000 Croats and Cossacks at Dover. Those courts would, surely, be very much aggrieved and irritated at the sudden desertion of the noble Lord: they would now treat him — nay, they had already begun to denounce him—as one of the hostile party. It was always to be remarked, that when gentlemen of a certain calling and description got much together, and embarked on such enterprises as were generally undertaken by persons in their profession, some quarrel arose between them, which ended in very unfortunate discoveries. These were attended with unpleasant consequences; and the seceders, and those before whom the parties had to appear, were equally objects of resentment and disgust to those who still remained the faithful companions of former adventures; and this recalled to his mind a very sensible observation made by the biographer of Jonathan Wild, of honourable memory. He said that, in the time of Charles I., there were certain cavaliers and good fellows, who kept the field a little longer than their brethren, and who, from their extreme gallantry and fondness of action, not feeling themselves bound by the truces and compacts which sent their companions quietly to their homes, were at last secured, and infamously left for death by the arbitrary sentence of twelve men of the opposite faction. Now, in the case before the House, they had not only an impeachment of Prince Metternich and Baron Hardenberg from the noble Lord, but a counter-impeachment of the noble Lord by those two very prime ministers. This, then, was his (Sir J. Mackintosh's) first ground; and, as it was necessary, in the case of absentees, to manifest a more than usual impartiality, it was requisite that he should now say something on behalf of Baron Hardenberg and Prince Metternich. Not only could he produce those two witnesses at the bar of the House, but he could produce against the noble Lord a third person — a Russian minister. Count Capo d'Istria said that the noble Lord had induced them all to expect the assent of the British government to their proposition. This expectation they entertained, either from the consenting silence of the noble Lord, or from that sort of language which diplomatists so well understood. They maintained that, up to the 19th of January last, the noble Lord had dissembled with them — had kept them in ignorance of this unlooked-for issue — and had not only taught them that he would put into their hands the rights of Europe and the liberties of mankind, but, further, that he would receive into the county of Middlesex whole armies of Russians and Croats. Now, the noble Lord, whose peculiar character it was to remain calm and

undisturbed through every discussion, however it might personally or politically relate to him, would not induce him (Sir J. M.) to suppose that he felt uninterested at that moment; for he rather thought that that silence was the result of agitation on the part of the noble Lord; which agitation had, perhaps, led him to suppose that this was his (Sir J. M.'s) language. But it was not: it was the language of his colleagues (for he would not call them his accomplices) — the language of Prince Metternich and Baron Hardenberg. Here was a document (the foreign circular), in which the world was told that the noble Lord's language to them had led them to expect a different kind of support from him; and really, if that was the fact, they had, as regarded themselves, reason to complain. But how stood the noble Lord upon his own showing? '*Habemus confitentem reum;*' and, more than all this, they had seen that another noble Lord, being himself to attempt an explanation of the conduct of government, had stated most candidly and eloquently all the facts — all the heinousness of this detestable proceeding on the part of the allied powers. It was not, however, the introduction of Cossacks and Croats into England which was commented on by the noble Lord opposite in his circular, but the indictment of Prince Metternich. The noble Lord declared the Prince's proposals to be contrary to the fundamental laws of this realm. What laws? What, but the Bill of Rights, which our ancestors had providently enacted into a law, and which, thank God, down to our day, had been effectual in restraining the illegal exertion of ministerial power."

The mitigation of the criminal law, since the death of Sir Samuel Romilly, seemed to be regarded by others and himself as his peculiar and exclusive subject in the House of Commons. It was an honourable mission, and he proved himself worthy of it. The Committee appointed on his motion in the preceding session made a valuable report; in pursuance of which, he brought in, on the 9th of May, several bills which respectively took away the capital punishment for stealing privately above the value of 40*s.* in any dwelling-house; 5*s.* in any shop or warehouse; and stealing, without specification of value, on any navigable river; repealed certain capital enactments become obsolete; converted several capital into simple felonies, and took away the capital punishment in certain forgeries. These bills passed intact through the House of Commons; but the greater part of the old leaven of barbarism and bloodshed was restored in the House of Lords. He attempted again, in the session of 1821, to mitigate the punishment of forgery; but was defeated, on the third reading of his bill in the House of Commons, by a manœuvre of Lord Londonderry.

Opposed and harassed, but not discouraged, and yielding for the moment to passions and prejudices which no force of reason could immediately overcome, he merely proposed, in the session of 1822, a resolution, pledging the House to consider the means of increasing the efficiency, by abating the undue rigour, of the criminal laws, early in the following session. His speech was distinguished by sound views, and the truest eloquence. He

spoke as follows of those pedantic and indiscriminate praises which are lavished by mere lawyers upon the law: —

"As to the panegyrics which lawyers by profession were eternally pronouncing upon the laws of the country, while they were indiscriminating, he (Sir J. M.) thought they were wrong. Upon portions of their commendation he agreed with them altogether; but indiscriminate praise carried back his mind to the words of that poet through whose prose writings even the spirit of 'Paradise Lost' often beamed in all its vigour; such commendation made him think of the words of that poet,—the first defender, let it be remembered, in Europe, of a free press and an unfettered conscience: that bard, in his address to the Lords and Commons of the land, spoke in these terms: — 'Those who freely magnify what has been well done, and fear not to declare as freely what might be done better, give the truest covenant for their fidelity. Their highest praise is not flattery, and their plainest advice is a kind of praise.' And such was the kind of praise which he (Sir J. M.) would apply to the great principles combined in the law of England. To distinguishing praise he offered his full tribute; and of undistinguishing praise, what, he asked, was the value? Such praise was bestowed upon the law as it now stood. Why, yes; and it had been also bestowed before the time of William III., when no man indicted for treason had a right to a notice of trial, to a copy of his indictment, or to a list of the witnesses against him. Such praise had been lavished before the act of the 1st of Queen Anne, when no witnesses could be sworn in favour of a prisoner, and when it was a vain formality, therefore, to give him the right of calling witnesses at all. During all the time that those excellent regulations had existed, the cry against innovators had been no less loud than it was now. He contended, therefore, that the praises of lawyers were to be guardedly received. Mr. Sergeant Hawkins said, in his 'Pleas of the Crown,' that 'those only who have taken a superficial view of the Crown Law charge it with rigour.' Would the House believe that those words were written while the statutes against witchcraft were still in full force — while witches were burned as regularly as felons were hanged at every assize? But to come further down: — What was the state of the law even within the last thirty or forty years? Had not women been burned alive for petty treason within that time, and prisoners put to the torture for refusing to plead? And yet all this while lawyers had not been less loud in their praise of law, courtly writers less warm in its commendations, or enemies to innovation less numerous and determined!"

His motion was opposed by the ministers and law officers, but was carried, amidst loud cheers, by a majority of sixteen. On the 21st of May, in the following session (1823), he accordingly submitted a series of resolutions for the mitigation of the criminal law, and called upon the House of Commons to fulfil its pledge. His speech was a detailed and temperate exposition of the nine resolutions which he submitted; that is, of the existing statutes which he proposed to alter or repeal, the extent of his mitigations, and the reasons by which he was guided. The length of the following extract requires no excuse:—

"The first public discussion, he said, at which he had been present after his return from India, was in another place, upon a measure of his late lamented friend, Sir

Samuel Romilly, tending to ameliorate the existing state of our criminal laws. In the course of that discussion, he had heard it stated, in an excellent speech made in favour of the principle for which he was now prepared to contend, that if a foreigner were to form his estimate of the people of England from a consideration of their penal code, he would undoubtedly conclude that they were a nation of barbarians. This expression, though strong, was unquestionably true; for what other opinion could a humane foreigner form of us, when he found that in our criminal law there were two hundred offences against which the punishment of death was denounced, upon twenty of which only that punishment was ever inflicted; that we were savage in our threats, and yet were feeble in our execution of punishments; that we cherished a system, which in theory was odious, but which was impotent in practice, from its excessive severity; that in cases of high treason we involved innocent children in all the consequences of their fathers' guilt; that in cases of corruption of blood we were even still more cruel, punishing the offspring when we could not reach the parent; and that, on some occasions, we even proceeded to wreak our vengeance upon the bodies of the dead? If the same person were told that we were the same nation which had been the first to give full publicity to every part of our judicial system; that we were the same nation which had established the trial by jury, which, blameable as it might be in theory, was so invaluable in practice; that we were the same nation which had found out the greatest security which had ever been devised for individual liberty, the writ of *habeas corpus* as settled by the act of Charles II.; that we were the same nation which had discovered the full blessings of a representative government, and which had endeavoured to diffuse them throughout every part of our free empire; — he would wonder at the strange anomalies of human nature, which could unite things that were in themselves so totally incompatible. If the same foreigner were, in addition to this, told that the abuses which struck so forcibly on his attention were abuses of the olden time, which were rather overlooked than tolerated, he might, perhaps, relent in his judgment, and confer upon us a milder denomination than that of barbarians: but if, on the contrary, he were told that influence and authority, learning and ingenuity, had combined to resist all reformation of these abuses as dangerous innovations; if he were informed that individuals who, from their rank and talents, enjoyed, not an artificial, but a real superiority, rose to vindicate the worst of these abuses,—even the outrages on the dead,—and to contend for them as bulwarks of the constitution and landmarks of legislation; — he would revert to his first sentiments regarding us; though he might, perhaps, condemn the barbarism of the present, instead of the barbarism of the past, generation.

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"In 1822, he had been told that the abstract proposition which he then brought forward was calculated to paralyse the laws, and to suspend their operation. Now, nothing of that kind had occurred. Indeed, year after year had such a prediction been made, and year after year had it been falsified. Whenever the question was brought forward, this selfsame objection was made to it; and the interval that elapsed between the time of discussing it always showed that there was not the slightest weight in it. Standing, therefore, upon the decisions to which the House had so repeatedly come of late years, he would contend, that if ever there was a case in which it was bound to preserve its own consistency, it was that on which he was at present speaking. They had before admitted that there was undue rigour in the present state of the law, and that the best mode of relief was by abating it. What was it that he now felt called upon to propose to them? He would answer the question as shortly as possible.

Adhering to the principles he had formerly laid down, he felt himself called upon to submit to the House, first of all, a proposition which would embrace a recognition of the propriety of all the particular measures which the House had formerly thought it right to adopt; and, secondly, a proposition which would carry it somewhat further, and in which he should embody such small additions of detail as would lead those who blamed him, to blame him for lukewarmness rather than for rashness — for an error in deficiency rather than for an error in excess. Though the propriety of abating the undue rigour of the law had in its favour the authority of all the wisest men who had either written or spoken on the subject, there was something startling in the proposition to those who only thought slightly upon it, which would, perhaps, render his illustration of it not unacceptable. There could not be a greater error in criminal legislation, than to suppose that the mischief of an action was to be the sole regulator of the amount of punishment to be attached to it. For a punishment to be wise, nay, even to be just, it must be exemplary. Now, what was requisite to make it exemplary? That it should be of such a nature as to excite fear in the breast of the public. But if it excited any feeling that was capable of conquering fear, — for instance, if it excited abhorrence, — then it was not exemplary, but the reverse. The maximum of punishment depended on the sympathy of mankind; since every thing that went beyond it reflected discredit on the whole system of law, and tended to paralyse its proper operation. What was the cause of the inefficacy of religious persecution? That it inflicted a punishment which was felt to be too severe for the offence which it was intended to check; that it had no support in the sympathies of the public; but, on the contrary, injured and outraged them all. That was the cause that 'the blood of the martyr always proved the seed of the church.' People felt that opinions, if correct, ought not to be met by force; and, if incorrect, they would sink into oblivion if force were not employed to put them down. '*Opinionum commenta delet dies naturæ judicia confirmat.*' He thought that the total inefficacy of persecution to check the growth of opinions — a persecution which always made the martyr be considered as a hero, and the law as a code of oppression and tyranny — served also to prove that laws of undue severity could in no instance effectually serve the purposes for which they were enacted. To ensure them full efficacy, they ought to be in accordance, not only with the general feelings of mankind, but with the particular feelings of the age; for, if they were not so supported, they were certain to meet with its contempt and indignation.

"Nothing was, he said, more false than the arguments usually urged in behalf of punishments; namely, that the crimes which rendered them necessary were the result of great deliberation. He thought that the contrary was the fact, and that, in general, offenders were hurried away by the strong passions that were implanted in their nature, and that 'grew with their growth, and strengthened with their strength.' The law was then most efficacious, when it served as a school for morals, when it attracted to it the feelings of all good men, and when it called silently but powerfully upon all such to assist in its administration. Now, he would ask, what was the lesson to be derived from a consideration of the criminal law of England? Why, that the man who cut down a twig, or injured a cherry tree, or stole a sheep, or he would even say forged a note, was as black a criminal as he who murdered his father, or betrayed the interests of his country to a foreign enemy. He acknowledged that this conspiracy of the law of England against the principles of nature was not successful. The feelings of nature in the people of England prevailed over the immoral lessons taught by its penal law. That law would be detestable in its

success, and was now contemptible in its failure. He had always thought that there was an under-statement of the argument on the part of those who contended that an alteration in the law was necessary. They had stated that a mitigation of it was principally required by the reluctance of prosecutors and witnesses to come forward to prosecute under the present severe statutes. They had forgotten, however, to state the effect produced on the feelings of the spectators. They had forgotten to state that they rose in arms, not merely against the charge, but against the verdict of the jury and the sentence of the judge. They had forgotten to state that the law was thus made an object of that abhorrence which ought only to be attached to crime; and that, instead of resting for its support on the aid of good men, it rested on the fear of the gibbet alone. The honourable and learned gentleman then complained that, under the present system of law, proportionate punishments were not assigned to different offences; and contended that heavy punishment, inflicted on crimes of a smaller degree of delinquency, lessened the effect of it when inflicted on crimes of great atrocity. It was curious to reflect that Lord Hale spoke of England — with reference, of course, to the time in which he wrote — as the country of all others in which the laws were most literally executed, and least committed as to their effect *arbitrio judicis*. Now, how matters were changed! From four capital felonies upon our Statute-book, we had come to 200; and, instead of being the country of the world where the laws were most literally carried into effect, and least dependent upon the will of judges, we had become the country of all the world in which they were least literally executed, and in which the life and death of man was the most frequently intrusted to the feeling of an individual. These arrangements had no foundation in the principles of British jurisprudence: they were contradicted by the spirit of *Magna Charta;* they were hostile to the principles of the first writers on the subject of criminal law; they were but the mushroom growth of modern wantonness of legislation. As a test of the antiquity of the existing criminal code, he would take the result of his intended proceedings. He wished to abolish the punishment of death as applied to a great variety of offences; and yet there were only two statutes with which he should meddle, which were older than the Revolution. Then, if these laws had no foundation in antiquity, what foundation had they in wisdom? Why, they had neither any foundation in policy nor in common sense. There had been in the present age an immense multiplication of capital punishments, just at the very time when society was growing more civilised and humane, and wanted old severities of the law repealed rather than new ones enacted. He did not accuse Parliament of cruelty or bad feeling; but he accused them of negligence — culpable negligence. He accused them of having overlooked that deep regard for the life and liberty of man, which, while it gave the strongest effect to occasional inflictions of the law, formed at the same time the best safeguard for the moral feeling of the community.

"To look in another view, for a moment, at the progress of the present system. — The oldest reports of criminal law were the Tables of the Home Circuit, begun in the year of the Revolution, which were to be found in the Appendix to the Report of the Criminal Laws Committee. Those Tables began in the year of the Revolution. It appeared that, during the first forty years from that date, more than half the persons capitally convicted upon the home circuit had been executed; during the last forty years, the proportion of executions to convictions, upon the home circuit, had not been more than one in four; and, taken throughout the kingdom, not so much as one in ten. Indeed, as the number of capital convictions went on increasing, the number of

executions kept diminishing; for the laws were so obviously barbarous, that it became absolutely necessary, by some expedient or other, to render them nugatory. It was absolutely a fact—deny it who could—that, as the severity of the penal laws increased, the impunity of crime increased along with them. He would not press this general portion of the subject much further, or advert to ancient laws, or to the codes of foreign countries, any more than was necessary to explain something which had fallen from him last session. He should not be suspected of selecting the Hebrew law as a model for the law of other nations; but he liked the Hebrew law for the reverence which it paid to liberty and to human life. The felony of the Hebrew code was the shedding of blood: the only theft which that code punished with death was the stealing of men; all other thefts were to be commuted for twofold or for fourfold restitution. He looked upon the Hebrew law, in its aversion to the shedding of blood, as entitled to the highest veneration. He would not pause upon the ancient Roman law, so remarkably merciful on the same point; but upon that modern law — the law of France — which now prevailed half over the Continent, it was impossible for him not to dwell for a moment. Six crimes, by the French law, were punishable with death — only one of them a theft; and that a burglary of such complicated circumstance as could seldom, if ever, take place. He had tables, from the year 1811, of the number of capital convictions which had taken place in France, and similar documents with respect to this country. In the year 1811, there had been 404 sentences of death in England, and 264 in France; the population of Great Britain being twelve millions, and that of France twenty-seven millions. In the year 1820, the sentences of death in England had been 1236, and in France 361 only; so that, in the course of nine years, the amount of capital conviction had trebled itself in England; while, in France, the increase had been something less than one third. He did not attribute this variance entirely, but he certainly did trace it in a very great degree, to the difference between the French and English criminal codes. He denied that the fact warranted any inference of the superior morality of the French over the English character. With regard to the police, as far as related to the prevention of crime, it had been not at all improved in France during the last nine years; while in England it had been improved considerably. He traced the difference mainly to the ill effect of the English criminal code: he believed, that if France had lived under the same code as England, she would have had as many convictions; and he thought that the example of France authorised him at least to use this argument. If the House would not believe that great good could be done by lessening the catalogue of capital offences, it must, at any rate, admit that no evil was to be apprehended from such a course.

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"Upon the resolution relating to suicide and high treason, he wished to make a few brief remarks. The punishment inflicted in a case of suicide was rather an act of malignant and brutal folly. It was useless as regarded the dead, and only tortured the living. The honourable member for Ipswich had given notice of a bill regarding the disgusting course pursued in cases of suicide. Three years ago, he (Sir J. M.) had pledged himself upon the point, and had not brought forward the measure only on account of events at that time occurring, and which might mix the question with matters of a political nature. In his resolution, or in any bill to be founded upon it by himself or others, he did not intend to touch the subject of confiscation for high treason. Had he done so, he knew that he should have excited a clamour: he should have been told that he was proposing an innovation upon the constitution — that he

was suggesting what was never heard of before; though it was an undeniable fact, of which honourable gentlemen ought to be aware, that, excepting in England, that part of the punishment for high treason had been abolished throughout the civilised world. A century ago it had been repealed in Holland; in Russia, not less than fifty years ago; in France, Spain, the German confederacy, and in the United States of America, it was now, likewise, unknown. Nevertheless, he should not venture to touch it. He, however, should propose to abolish the forfeiture of goods and chattels in cases of suicide. It seemed to him, that if there was a punishment peculiarly unjust, it was this, where in fact the innocent suffered for the guilty. The principal human offence of suicide certainly was the desertion of those for whom we were bound to provide — whom nature and society recommended to our care. What did the law of England do in this case? It stepped in to aggravate the misery, and perhaps to reduce the fatherless to beggary: it wrested from them the bread they were to eat: in short, it deprived them of their last and sole consolation under their affliction. It was to be observed that the forfeiture only applied to personal property — it affected small savings chiefly, for large fortunes were generally laid out in land; so that it left untouched the possessions of the great. Before he proceeded further, he wished to draw the attention of the House to the indignities offered to the dead in cases of high treason. In the only case since the reformation of the law, the man who inflicted the indignities was obliged to disguise himself, that he might not be exposed to the abhorrence of the spectators. On the occasion to which he alluded, the crowd evinced no symptom of dissatisfaction, until the bloody head was held up to public gaze by a man in a mask. It was the first time the law of England had been carried into effect by an executioner in disguise. This person had been called in as a skilful dissector; but, so great was the disgust at the barbarous operation, that concealment was felt to be necessary. With regard to the outrages committed on the dead in cases of suicide, he had some doubt whether they were warranted by the law of this country. He had looked into all the text books on this point, and he found no mention of it in Hawkins, a very full writer, not only on the law, but on the practice of his time. There was no mention of it in Sir M. Hale, Sir E. Coke, in Stamford, Fitzherbert, or Bracton. They all spoke of the forfeiture, but said not one word as to the mode of interment. There was no authority for the legality of inflicting these outrages, except the unsupported assertion of Blackstone. That learned commentator made, indeed, a confused reference to Hawkins; but Hawkins supported him only in the forfeiture, and was perfectly silent on the subject of interment. But he surrendered the legal question to any gentleman who thought he could gain a petty triumph upon it; for it might, by long custom, have grown into law, though only the remnant of barbarous institutions. The question was, whether it ought to be continued? First, he would ask in what light he was to consider it? If as a punishment, it was only such to the survivors; — if it were meant as a punishment to the dead, what sort of punishment was that, where there had been no trial? and what sort of trial, where there had been no defence? In the second place, the law operated with the greatest inequality. Verdicts of insanity were almost always found in the cases of persons in the higher stations of life: where self-slayers were humble and defenceless, there *felo de se* was usually returned. This might, perhaps, be accounted for without any imputation upon the impartiality of juries. First, because persons in high life had usually better means of establishing the excuse for the criminal act. Secondly, because suicide was rarely the crime of the poorer classes occupied with their daily labours. It was the effect of

wounded shame; the result of false pride; and the fear of some imaginary degradation. Thirdly, the very barbarity of the law rendered it impotent; for juries would not consent that the remains of the dead should be thus outraged, if they could find any colour for a verdict of insanity. He would ask any gentleman, whatever were his opinions as to the moral turpitude of suicide, whether it was a crime that ought to be subject to human cognisance. It was an offence, the very essence of which was to remove the party from all human cognisance; and the law of England was, he believed, the only law which attempted to stretch its authority beyond the bounds of humanity, to include an offence of this kind. The Roman law, with regard to this subject, was very remarkable. It inflicted the punishment of confiscation in all cases of suicide, committed to evade confiscation, which would have been the consequence of conviction for other crimes. This was perfectly just: and it was observable that the Roman law, not content with silence on this subject, expressly excepted all other cases of suicide from any punishment. In the best age of Roman jurisprudence, there was a rescript of the Emperor Antoninus in these words,—"Si quis tædio vitæ, vel impatientia doloris, vitam finiverit, successorem habere rescripsit Divus Antoninus." The Roman law on this subject, of which this rescript was confirmatory, might serve to illustrate a beautiful passage of Virgil, which had a good deal embarrassed the commentators, in which he described that unfortunate class of persons who have terminated their own existence:—

'Proxima deinde tenent mœsti loca, qui sibi lethum
Insontes peperêre manu, lucemque perosi
Projecêre animas. Quam vellent æthere in alto
Nunc et pauperiem et duros perferre labores!
Fata obstant, tristique palus inamabilis undâ
Alligat, et novies Styx interfusa coercet.'

"The word *insontes* had so much embarrassed some of the commentators, that they had endeavoured to get rid of the difficulty by proposing the very opposite sense to the ordinary meaning of that word; but there could be little doubt that that great master of poetic diction, whose delicacy and propriety in the choice and combination of words were unrivalled, had used this expression with reference to the distinction recognised by the Roman law, between criminals who were guilty of suicide, and those who were untainted by any other offence. There was scarcely any thing which tended more to display the finer feelings of the human mind, than the anxiety of heaping honours upon the dead — of attempting to bestow life upon that in which the natura life was gone; and he knew of nothing which tended so much to keep alive those affectionate and kindly feelings as to pay this respect to the remains of the dead. It was, in fact, one of the safeguards of morality; and, as such, could not be interfered with, without the most dangerous consequences. He who could treat the remains of humanity with indignity, or could approve of its being so treated, he could regard in no other light than as being guilty of a very close approach to cannibalism. The opposite of this kindly feeling was the crime of cannibalism, which, just in proportion as affection sought to prolong the duration of man, hastened his decay. Alive to this barbarity, which was perpetrated only by man in the lowest and basest form of the savage state, and when his worst passions were roused, were those cannibal inflictions upon that which could not suffer. It was because they were not only at variance with all the kindly feelings of our nature, but because they neither did produce, nor could produce, any beneficial effect, that he said the remains of this practice in the case of

treason were remains of barbarism, and, as such, called for immediate reformation. If to conduce to humanity was the use of all criminal law and all punishment — and if this were not its use, he knew not what it could be — then a tenderness for the remains of the dead would have a far more happy effect, than all the unmeaning cruelties which could be inflicted upon them. He should say nothing of the influence which public opinion ought to have in the regulations of the criminal law, and the adjusting and balancing of crimes and punishments. There were some who thought that Parliament should not be in any way swayed by public opinion; but it seemed to him that on such a question it was of peculiar value. If public opinion condemned the severity of the law, either it would not be executed at all, or not with effect. On such a subject we ought to appeal to the feelings of men, and it would be unjust in us not to do so. For what, he would ask, was the use of criminal laws, what their intention, and what the end and object of punishment, if it were not to preserve alive all the good and kindly feelings of men? How, again, he would ask, were we to ascertain when the greatest effect was produced, but by an appeal to those feelings? No law which did not make such an appeal could be wise. And would even the fondest advocate of the present state of our criminal law say that it did contain any such appeal? When we awarded the punishment of death for crimes of the blackest description, then the feelings of men went along with us. The parricide, the murderer, the betrayer of his country, might all suffer the highest punishment, and the feelings of men went along with it; but would any man say that these feelings were not insulted and outraged, when the same punishment was awarded for the cutting down of a cherry tree, the stealing of a sheep, or even the forging of a bank note? The continuance of the crime showed that the penalty of the law had not the effect which was intended, and the disparity of the cases showed that the law ought to be altered. He had devoted his attention long and carefully to our present code; and the more he had done so, the more was he convinced that it required to be brought more into accordance with the feelings of men. He would fain make the penal law of his country the representative of the public conscience, and would array it with all the awful authority to be derived from such a consideration. He would make it the fruit of moral sentiment, in order to render it the school of public discipline. He would array the feelings of all good men against the dangerous criminal, and would place him in that moral solitude where all the members of society should be opposed to him, and where he should have nothing to plead for him but that pity which added weight to his punishment, by showing that it was pure from every taint of passion or partiality."

Mr. Peel, then Home Secretary, objected to his reforms as too sweeping; whilst he agreed in their spirit, pledged himself to take up the subject of law reform, and moved the previous question. It was carried. Sir James now abandoned to the minister a field of eloquence, humanity, and public service, in which he made a reputation which will long survive him. Mr. Peel, too, it should be added, took up the subject in a reforming spirit. His mitigations fell short of the views of Mackintosh and Romilly; but he removed barbarities and corrected anomalies with a degree of courage and capacity which it would have been vain to expect from any other minister of his party. This incident, whilst it raises the

individual minister, discredits the administration. It would appear that the government made systematic battle against every change, and therefore every improvement; and that its eyes could be opened only by its being overcome.

The periodical renewal of the Alien Act found in Sir James Mackintosh its most constant, and, perhaps, on the whole, its most powerful opponent. His peculiar acquaintance with the history and practice of the public law of Europe armed him at all points for debate on the subject; and the European reputation to which he aspired, called forth the utmost exercise of his faculties and resources. His first decisive opposition to it was in the session of 1816.

"In the discussion of last session, he had called for proofs of the existence of the prerogative said to be in the Crown, of sending out of the realm alien friends in time of peace. In calling for proofs of a prerogative, he must be understood to require evidence of a long, avowed, and uncontested exercise of it, sanctioned by Parliament, or at least recognised by the Courts of Westminster Hall. Till an answer was made to such a demand, he had suspended his opinion. He only ventured then to doubt the existence of such a right. But from the proofs which had not been produced, and the arguments which had been offered after a twelvemonth's leisure for research, he now thought himself justified in declaring that such a prerogative was not warranted by law."

His speech was that of a jurist rather than of an orator; and, though admired and effective, contains none of those movements of rhetoric or dialectics which could be extracted. He again was among those who opposed the renewal of the law in 1818. His reply to the law officers, on the same subject, in 1820, would have crushed the dispute, if divisions in the House of Commons were not matters rather of individual discretion and state policy than of reasoning.

"It is impossible (said he) to conceive a supreme power, without the power of sending foreigners out of the country; nay further, without the right of banishing its own subjects. Yet my learned friend has made all his parade of jurists to prove that a supreme power must be supreme over foreigners in its dominions. He has selected two passages from Sir William Blackstone, the only passages in which absurdity and falsehood are to be found. He has also referred to Puffendorff — to a German jurist, for English law — to a despotic writer, for the constitutional law of England. This ridiculous authority is all he can add to the passages brought forward, for the twentieth time, from Blackstone, and as often detected and exposed. But it has been said that the Crown has the power of sending a foreigner to his own country. Does my honourable and learned friend say so? Has any power in this country a right to protract its authority, to land the foreigner in a particular place, to throw the unfortunate victim into the jaws of destruction? He has spoken of the great authorities on this subject. His authorities, in part at least, are so rotten a found-

ation, that the superstructure can be entitled to no great veneration. The proclamations of Elizabeth are now brought forward. These proclamations were dug out of the State Paper Office for the first time in the year 1816, and for this bill. The bill had passed this House, before this authority was thought of. In the other House, the question had been argued with as much learning and eloquence as had ever been displayed on any question; and in the last debate in that House, were the two proclamations brought forward, which ordered out of the country all Scotchmen. The next time that the measure came under the consideration of this House, my learned friend produced this authority, and I gave him at the same time such an answer as occurred to me. Since that time I have found a particular authority on this point — an authority that must be fatal to the argument. The 7th Henry VII. is a statute authorising the Crown to send Scotchmen out of England, and exposing them to the forfeiture of all their goods. This statute allows 40 days after proclamation for leaving the kingdom. The statute of Henry VII., with all other statutes hostile to Scotchmen, was repealed on the accession of James I. to the throne of England; but it was in full force in the reign of Elizabeth. It proves the very contrary of the object for which it was produced by my learned friend. Such a power as he claims for the Crown was not dreamed of in the most despotic period of our history, or under the most despotic prince of the Tudors."

In 1822 he took the lead in opposition to it. The question of public right was no longer mooted. The subject was one of liberty against despotism throughout Europe.

"The Holy Alliance," said Sir James, "thought it quite legitimate to propose a new code of laws to the nations of Europe — to remodel at pleasure all the long-established international usages, all the rules of right and wrong, proscriptively acknowledged and acquiesced in by independent states. The noble Marquis, in his memorable letter, also said that the principles propounded by the Holy Alliance, in their specific application to England at the time, would destroy the independence of all nations, and the rights of all subjects; and yet, after such a declaration of their views, he called for this bill to enable them the better to execute their detestable purpose. Against which of their own subjects do these despots want protection? — against the unhappy and oppressed people of Italy, the most afflicted specimen now in Europe of relentless cruelty and suffering? These unhappy men were seized by their oppressors, and, as if no prisons in Italy were severe enough for their entombment, they were sent to Hungarian fortresses, sunk in the midst of surrounding marshes, to linger out, amid incidental disease, a wretched existence — 'to die so slowly, that none can call it murder.' He knew the fact of a Roman nobleman, residing within the Ecclesiastical States, who was seized and dragged from that neutral territory by Austrian troops: he was hurried to Venice, there tried by a secret tribunal, and condemned to death by their award. This sentence, by a pretended mercy, was commuted — commuted did he say? — to twenty years' imprisonment in a Venetian dungeon covered with water: the imprisonment was to be solitary: only half an hour a day was to be allowed for exercise, until death, in pity, should come to the rescue of the sufferer! Ask any English gentleman who had lately travelled in Italy, whether he had not seen men of education and talents working in chains on the highways and public works of Lombardy and Piedmont, for alleged political

offences. He could name the cases and particularise his sources of information, were it not dangerous to expose the yet unimmolated parties to that system of *espionage* which reigned throughout Europe. He used a foreign word with repugnance in an English speech; but on this occasion he rejoiced that the ancient language of freemen contained no word to express that odious system: its plain and manly structure required not the use of a phrase which the habits of its people scorned to employ. He had promised to show how far the faith of neutrality was recognised by these high contracting powers: he would show it by a reference to their most solemn acts. Let the House refer to the allied treaties signed on the 20th of November, 1815. At that date several acts were executed in Paris, in pursuance of other great treaties which had been framed and adopted in the course of that year; and among them was a remarkable declaration respecting the integrity and neutrality of Switzerland, which was framed and executed by the powers engaged in the previous congress at Vienna. He would quote this declaration, to show the good faith which marked the conduct of these great league-breakers — these shameless violators of their most formal and deliberate pledges. The powers who signed the declaration recognised in the most full and solemn manner the perpetual neutrality of Switzerland, and guaranteed the integrity and inviolability of its territory. This was signed by the ministers of Russia, France, Prussia, England, and subsequently ratified and confirmed by Prince Metternich, on the part of Austria, in a sentence of barbarous Latin, written in the true style of German chicanery. How had that solemnly acknowledged neutrality been permitted to rest? The cantons of Switzerland had been, by prescriptive usage, the admitted asylum of the persecuted. Those who fled on the revocation of the edict of Nantes were not disturbed on their retreat by the tyrant from whom they fled, and who was at that moment upon the most intoxicating elevation of his power. Not so was the fate of those who sought refuge from the fangs of the Holy Alliance; not so was the forbearance of those who had signed the treaty of the Holy Alliance. Austria—the same Austria for which Prince Metternich had signed the integrity and inviolability of Switzerland—called for the *ex-tradition* (that was the phrase) from Switzerland of some Italians who had sought an asylum there from the persecution of the Austrian authorities. Upon that requisition some of the states of Switzerland behaved with pusillanimity towards these unfortunate refugees. But let justice be done these smaller states. Which more deserved indignation for the act, — the feeble government acted on by fear, and doomed from necessity to consent, or the powerful state who compelled obedience by the threat of overawing force? Amid this compulsory yielding to power, the canton of Geneva set an honourable exception: they rejected this demand to sacrifice their honour. What was the consequence? Three Austrian commissaries returned to Geneva, and informed the magistracy that, if they did not expel these Italian refugees at a moment's notice, they must prepare to incur the responsibility of refusing the demand of Austria, and risk the consequences. This was the threat of war from the great power bound to respect the smaller. Was not this a daring infraction of the sacred faith of treaties? Where, then, was the remonstrance of Great Britain, a party to this treaty? What did her minister, who now called for this Alien Bill, say to the Austrian maker and breaker of guarantee? Where was the indication of dissent from so faithless an infraction of a treaty binding upon all? Was it to be found in the passing of this Alien Bill, which, in effect, went to pass one undistinguishing censure upon the struggles of the oppressed to shake off

the grinding chain of their oppressors, and to record one approving and assenting voice to the acts of the Holy Alliance?"

He again opposed it in 1824. Mr. Canning, having meanwhile become Foreign Secretary on the death of Lord Londonderry, announced it as probable that the bill would not be again renewed; and this proved the last debate upon it.

The merchants of London, in the same year, charged Sir James Mackintosh with their petition to the House of Commons, for the recognition of the independence of the South American States. His speech, which was worthy of the subject and of the trust, was published in a separate form, no doubt by himself, as the case of the petitioners. The following extract will give but an imperfect idea of so comprehensive and elaborate a statement: —

"We require from the new born states of America a condition incompatible with human nature, and which if they are able to fulfil, they would be unlike every other community that ever shook off the yoke of foreign or domestic tyrants. We refuse them the honour of formal admission into the society of independent nations, unless they shall immediately solve the awful problem of reconciling liberty with order; unless infant governments shall, in a moment, shoot up into manhood; unless all the efforts incident to a fearful struggle shall at once subside into the most perfect and undisturbed tranquillity. We expect that every interest which great changes have wounded shall yield without resistance, and that every visionary or ambitious hope which they have kindled shall submit without a murmur to the council of wisdom and the authority of the laws. Who are we who exact the performance of such hard conditions? Are we, the English nation, to look thus coldly on rising liberty? We have indulgence enough for tyrants; we make ample allowance for the difficulties of their situation; we are ready enough to deprecate the censure of their worst acts. And are we, who spent ages of blood in struggling for freedom, to treat with such severity the nations who now follow our example? Are we to refuse that indulgence to the errors and faults of other nations, which was so long needed by our own ancestors? The English people waded through despotism and anarchy, through civil war and revolution, on their road to freedom. They passed through every form of civil and religious tyranny: they persecuted Protestants under Mary; I blush to add, they persecuted Catholics under Elizabeth. It was said by the great satirist, in those nervous invectives which he poured out against them for their love of liberty, that they were a people whom —

'No king could govern, a nd no god could please.'

"Within a few years after these invectives, this abused people established the first system of civil and religious liberty which had ever been attempted in a great empire. We justly revere our forefathers for having accounted all the evils through which they passed as nothing in comparison with the high object which they pursued. We never think of these evils further than as they endeared to us the liberty of which they were the price. And shall we now, inconsistently, unreasonably, basely, hold, that distractions so much fewer, and milder, and shorter, endured in the same glorious cause, will

unfit other nations for its attainment, and preclude them from the enjoyment of that rank and those privileges which we at the same moment recognise as belonging to slaves and barbarians?

"I call upon my right honourable friend distinctly to tell us, on what principle he considers the perfect enjoyment of internal quiet as a condition necessary for the acknowledgment by foreign states of an independence which cannot be denied to exist? I can discover none, unless the confusions of a country were such as to endanger the personal safety of a foreign minister. In such a case, indeed, there would be a sufficient reason for interrupting diplomatic intercourse till it could be safely carried on. Yet the European powers have always had ministers at Constantinople, though it was well known that the barbarians who ruled there would, on the approach of a quarrel, send these unfortunate gentlemen to a prison in which they might remain during a long war. Short of this extreme case, I see no connection between diplomatic intercourse and the internal state of a country. As long as foreign ministers are secure, no confusion can be such as to require the interruption or to prevent the establishment of intercourse through them. But, if there were any such insecurity in the new states, how do the ministers of the United States of North America reside in their capitals? or why do we trust our own consuls and commissioners among them? Is there any physical peculiarity in a consul, which renders him invulnerable where an ambassador or an envoy would be in danger? Is a consul bullet-proof or bayonet-proof, or do consuls wear coats of mail which secure them from violence? The appointment of consuls implies our belief that there are governments existing in Spanish America who are actually independent, and to whom our consuls may apply, in cases of mercantile grievance, with the same reasonable prospect of success as in other countries. It rests on the foundation that these governments are obeyed by their subjects, and have the power and the will to compel them to do justice to foreigners. What more do we require for ministers of a higher character? The same government which redresses an individual grievance on the application of a consul, may remove a cause of national difference after listening to the remonstrance of an envoy. Whatever may be the succession of factions, however these states may be agitated by divisions, whatever form their governments may assume, they must be as competent, and as much disposed to negotiate on high national interests, as to do justice to an aggrieved trader or mariner: they must, in the one case as in the other, all be equally inclined to continue on terms of amity and friendly intercourse with the greatest maritime power of the world.

"I will venture even to contend, that internal distractions, instead of being an impediment to diplomatic intercourse, are rather an additional reason for it. An ambassador is more necessary in a disturbed than in a tranquil country, inasmuch as the evils against which his presence is intended to guard are more likely to occur in the former than in the latter. It is in the midst of civil commotions that the foreign trader is the most likely to be wronged; and it is then that he therefore requires, not only the good offices of a consul, but the weightier interposition of a higher minister. In a perfectly well-ordered country, the laws and the tribunals might be sufficient. It is in a state where their operation is disturbed, that he cannot be safe without aid from the representative of his native country. In the same manner, it is obvious that, if an ambassador be an important security for the preservation and good understanding between the best regulated governments, his presence must be far more requisite to prevent the angry passions of exasperated factions from breaking out into war.

Whether, therefore, we consider the individual or the public interests which are secured by embassies, it seems no paradox to maintain that, if they could be dispensed with at all, it would rather be in quiet than in disturbed districts.

"The interests here at stake may be said to be rather individual than national. But a wrong done to the humblest British subject, an insult offered to the British flag flying on the slightest skiff, is, if unrepaired, a dishonour to the British nation. It is a great national interest, as well as duty, to watch over the international rights of every Briton, and to claim them from every government. It is only when states treat the wrongs of their subjects as public injuries, that every individual learns to feel the violation of his country's rights as a private wrong.

"But the mass of private interest engaged in our trade with Spanish America is so great as to render it a large part of the national interest. There are already at least a hundred English houses of trade established in various parts of that immense country. A great body of skilful miners have lately left this country to restore and increase the working of the mines of Mexico. Botanists, and geologists, and zoologists, are preparing to explore regions too vast to be exhausted by the Condamines and Humboldts. These missionaries of civilisation, who are about to spread European, and especially English, opinions and habits, and to teach industry and the arts, with their natural consequences of love of order and desire of quiet, are at the same time opening new markets for the produce of British labour, and new sources of improvement as well as enjoyment to the people of America."

There are several other speeches fully reported, and of conspicuous ability. His name and talents will be found associated with almost every great question and generous cause. Supporting the motion for a committee on the Catholic claims in 1822, he described as follows the origin of the act of the 30th of Charles II., upon which great stress had been laid by Mr. Peel: —

"The right honourable gentleman had laid great stress upon the danger which, in his opinion, must arise from the repeal of the statute of the 30th of Charles II., and had loudly declared, that to repeal that law would be to alter the whole frame of the British constitution. When the right honourable gentleman attached so much constitutional importance to the act of Charles II., it was right to refer back to its origin, and to the circumstances which called it forth. Now, with reference to the history of that act, he would say, that no law which had ever been promulgated sprung from a more infamous origin; that no law ever flowed from so foul and impure a source; that never had a law been passed under circumstances of so detestable and infamous a nature, as those which attended the enactment of that statute, which the right honourable gentleman seemed to revere as if it were the great charter of the constitution. He had taken pains to refer to the Journals for the history of this statute. It had been passed on the 28th of October, 1678; and it was curious to see how the House had been occupied just before it adopted that act — to see in what manner it had prepared itself for grave deliberation — with what equanimity and temper it commenced the work of legislating for the exclusion of a great portion of the subjects of this kingdom. Would the House believe that, during the whole of the day preceding the enactment of this bill, the House had been busily occupied in the examination of Titus Oates? It was after this preparation that the bill so praised

had passed; when the minds of members were intoxicated with the flagitious perjury of that detestable and atrocious miscreant, whose shocking crimes had not only brought disgrace upon the country which he had duped, but had sacrificed the lives of so many innocent and deserving characters. In that manner had the bill been passed; and it furnished a melancholy instance of the facility with which the legislature was brought to enact severe laws, and the difficulty always manifested to have them revoked, even when their injustice was apparent. Here was an instance in which one abandoned and remorseless miscreant — an outcast from the human race — was able to inflame that House — to delude it at a moment when it contained the greatest patriots and the wisest men, some of whom shed their blood, and others had lived, for the deliverance of their country at the Revolution. Yet this single, foul, and wretched perjurer was able to hurry through a measure of exclusion against millions of his fellow-subjects, which it took twenty years of all the genius and patriotism of England to struggle against in the hope of undoing. Thus twenty years of the labours of such men were unable to undo the falsehoods which it only took this wretch a single morning to utter. Who, then, could say that such an act was entitled to the weight which ought only to belong to measures deep and well-digested for the public welfare?"

On the Bill for the suppression of the Irish Catholic Association, in 1825, he said,—

"He did not chiefly rise, on the present occasion, to observe on what had fallen from them, — not from any want of respect, but because much of what they had said was necessarily, on account of their situation, somewhat more tainted by the acrimony of Irish party, and somewhat more influenced by the anger of Irish factions, than a member for Great Britain could bring his mind to consider as worthy of much importance, when he came to discuss a question of such great interest to the whole empire as that at present under consideration;—but he would not entirely pass over the observations of the last speaker; one of which he considered to be the most important that had fallen from any member of that House during the three nights' discussion which had taken place. He had seized the first opportunity of returning strength, and of hardly re-established health, to perform a great duty, which he felt to be incumbent on him, on a question which had created the deepest interest in his breast. He rose to protest against the new stigma thrown on the Catholic cause, on account of the alleged misconduct of the Catholic body. He rose to protest against the attempt to silence the complaints of the people of Ireland, without redressing their wrongs. He rose to protest against this new discouragement, added to the discouragement of centuries, which had been given to the people of Ireland. He rose to protest against a bill which he thought had been justly characterised as a bill to relieve the government from the necessity of doing justice to Ireland, and to protect the present administration in the continuance of their system of tampering with the miseries of that unfortunate country. It was against a bill possessing, in his eye, all these alarming features, that he rose to enter his feeble, but earnest, conscientious, and solemn protest. The zeal with which he was actuated in behalf of the Catholics was not (as his right honourable friend (Mr. Tierney) had said of himself in that memorable speech exhibiting such an union of sense and wit, which closed the debate on a former night) connected with a love of their principles: he venerated the Reformation, and gloried in the name of Protestant. But his glory in the Reformation was his glory in the principles upon which that great work had proceeded — the right of freedom

as to opinion, and security from persecution. These principles it was that formed the basis — the only real basis — of civil and religious liberty; and those who did not uphold them — no matter what their professed tenets — were no true reformers. Protestants they might call themselves; but they mistook their character: they were only Papists in Protestants' clothing; setting up a small popery, a little exclusive one, within the Protestant church, in lieu of that greater system of popery which had once covered all Europe with its shadow. So long as the Catholics had remained, by nature, the natural allies of civil and religious tyranny, so long, if he had then lived, he (Sir J. M.) would have remained their mortal enemy. The same principles, precisely, which were to influence his vote that evening in favour of the Catholics, would have impelled him to draw his sword against them at the battle of the Boyne. The principles of civil and religious liberty established by the glorious Revolution, — revealed first to the world, at the Reformation, by men who neither understood nor sought to practise them; but since appreciated, acted upon, and fought for, by men whose hearts were purer, or their intellects more enlightened;—those principles formed his creed: in them he had lived, and in them he hoped he should die; and in support of those principles it was — never on any occasion pressing upon his mind more strongly — that he now rose before the House in defence of the Catholic cause."

Supporting again the Catholic claims, and the principle of religious toleration, in 1828, he said,—

"He should not speak further of that wisdom, but would call the attention of the House to the change which had taken place in the sentiments of mankind on this subject of exclusion on account of religion. Only two hundred and fifty years had elapsed since the reign of that queen who was considered to be the head of the Protestant religion. At that day, every state in Europe punished the professors of that Protestant religion with death whenever they were discovered. Scarcely had two hundred years elapsed since two Arians were, on account of their religious tenets, put to a cruel death in this country; and in the time of Edward VI. the cradle of the Protestant church was covered with blood. These scenes had taken place under the eyes of a man who, in some respects, was very amiable, and for whom, considering the age in which he lived, he was ready to make an ample allowance. A lapse of two hundred and fifty years had since taken place, and they had arrived at a time when every state professed toleration, and almost all of them practised what they professed. They had arrived at a time in which religious liberty, in the sense in which he had described it, when no man was the worse — when no man suffered any exclusion from civil privileges, on account of his religious opinions—generally prevailed. If they looked from the Pyrenees to the Alps, from Archangel to the confines of Kamtschatka, they would find that this feeling was predominant, and was every hour becoming stronger. They would find it prevalent in Russia; they would find it triumphant in all the states which composed the Germanic body. The ruling power in Saxony acted on the principle: the Roman Catholic King of Bavaria governed with an equal hand his Protestant subjects; while the Protestant monarch of Prussia extended the same paternal and protecting hand to his subjects of the Roman Catholic faith. England and Prussia had long been at the head of those powers which considered the protection of religious liberty as the proud badge of civilisation; and they looked on other nations as coarse and uncultivated, when they countenanced a system of exclusion

on account of religious opinion. Holland still retained her high situation, under a prince of the house of Nassau, as the protectress of liberal principles. That was, perhaps, the best governed and most prosperous state on the Continent. He rejoiced in the illustrious name of Nassau, which was dear to every friend of freedom; and he only regretted that England, under a prince of the house of Hanover, should have retrograded from her proper place in the van of tolerant and liberal nations, and fallen into the rear. By the late change in Sweden, a Catholic king had been placed on the throne. Whether she still persisted in excluding Roman Catholics from power, he could not tell; but he believed that there were few or none of that persuasion in the Swedish territories. He knew, however, that the system of exclusion did not hold with respect to Denmark; because he had been acquainted with a Roman Catholic gentleman, of Irish descent, though born in one of the Danish West India islands, — he meant the late Mr. Morton, — who had filled the situation of representative of Denmark in this country. He knew another Roman Catholic gentleman, a native of Northumberland, who was a resident at the court of the King of the Netherlands. Where, then, he asked, did the system of exclusion prevail? In the states of the South of Europe, where there were many infidels, but no Protestants? Yes: the system existed in England, and it existed in Spain. It existed in the country of Locke, and also in the country of Loyola; in the dominions of the house of Brunswick, and under the government (if I may dignify it with the title) of Ferdinand VII. It was in this base society that the wisdom of their ancestors was cherished and kept up. There they might see every attempt made to perpetuate a few fragments of that ancient tyranny and intolerance which had created so much misery: which was even now endangering the tranquillity and integrity of the empire; which was breaking the link that joined us to the most precious member of the British state; which was keeping shut that door which effectually precluded the commencement of improvement, and would continue to do so until it was thrown open; which continued to inflict on the great body of the people of Ireland that unworthy treatment under which they had so long suffered.

"He now came to a subject of a very grave and important nature, and one which he should not have ventured to touch upon in that House, if it had not been argued with so much force and energy by his honourable and learned friend, as one of the obstacles to the concession of the objects of the honourable Baronet's motion. Under the circumstances in which it had been mentioned, he could not, notwithstanding the delicate nature of the question, avoid making upon it a very few observations. The constitution of this country had wisely exempted the King from the exposure of being present at any of the stormy debates which take place in Parliament, and rendered his person inviolable, and his conduct unimpeachable so long as his advisers continued responsible for his actions, done by their advice. This was one of the great expedients by which our ancestors contrived to reconcile the doctrines of a monarchy with the principles of liberty. The advantages of such a provision were numerous to the monarch as well as to the subject; but the misfortune was, that the least invasion or infraction of the law exposed the king of such a country to greater reverses of affairs than the rulers of other countries, apparently less happily situated. The King was the fountain of mercy, the redresser of the wrongs and grievances of his subjects, until a perverse and iniquitous system of law deprived him of his most valuable privilege, and robbed him of the brightest jewel of his crown. The privilege of advising his Majesty rested

with his ministers, under the control of the houses of Parliament; but such was the jealousy that Parliament entertained upon this subject, that all attempts to influence its decisions by any statement of the inclination of the King was looked upon as a high misdemeanour. There could, indeed, be no doubt that any attempt to state the opinion of the Crown to that house was against the principles of the constitution; nor was it less doubtful that any individual was guilty of the highest presumption who ventured to influence the decision of the House by any reference to the opinions, or the situation, or the duty of the Crown. He did not mean to say that his Majesty was fettered as some had dared to say that he was fettered. He would not enter into the discussions of the delicate subject of the principle of an oath; but would merely refer on that occasion to what Lord Kenyon had said in his correspondence with his late Majesty in 1791. Lord Kenyon said, 'It is a general maxim, that the supreme power of a state cannot limit itself.' Perhaps it would have been more correct to have said, that the supreme power of a state was always the same. For if this were not so, then the supreme power of one and the same state would at one time be less than it was at another. It was a principle of law and justice, that what could not be done directly could not be done indirectly; and, therefore, it was clear, that by no means whatever could the King bind his successor; for, if such a proceeding was tolerated, the course of legislation would be impeded by measures producing endless confusion, and every party who wished to bind the legislature to a perpetual adherence to some private plan would endeavour to have an oath tacked to the bill, in order to secure it against violation, and perpetuate its enactments. Circumstances of state, which never could be foreseen, might suddenly arise; emergencies, beyond the power of calculation, might occur. If the supreme power could bind the successor, the monstrous doctrine must be maintained, that a king might be bound by an oath not to perform a duty which might eventually serve his country. The distinction, in his opinion, was perfectly clear. The King in Parliament exercised the supreme power; and with the authority of that Parliament he might bind himself by oath to abide by such acts as to his conscience and judgment might occur right. The power, however, which gave might take away; and the same Parliament and Legislature which, in its supreme power, bound the King to one course, might determine upon another. The coronation oath was relied upon; but, besides other satisfactory arguments, which had been adduced to show that this could be no impediment to Catholic concession, he would say, that this was a matter of political reasoning; that it was a question of degree; and that the King, if advised by his counsellors, and supported by the two houses of Parliament, would not resist a measure of concession to the Roman Catholics.

"He would trouble the House only with one word more. If it was to be the fortune of Parliament that night to see the relief which had been recently granted to the Protestant dissenters followed by an equal measure of justice towards the Catholics; if that one wise decision should be followed by another, which should relieve the long-protracted sufferings of Ireland, and open to that unhappy country something like the prospect of a better scene, — something like the commencement of reform, — then he should look upon any discussion of the question of oaths as a work of mere supererogation. In such a case he, should ever be disposed to say, with the noble Roman, who held all forms or tests as mean and trivial compared with the common advantage, 'Maximum illud pulcherrimumque jusjurandum, se conservasse rempublicam.'"

His appearances in debate and in the House were, however, now more rare. From the 13th of April, 1825, to the 8th of June, 1827, his name does not appear in the Parliamentary debates; and but once in the list of divisions, — among the minority who voted for the Catholic claims. He, however, supported the chief measures of Mr. Canning, whilst Foreign Secretary, and his government, when he became Premier, — in common with the great majority of the Whigs. Mr. Bankes was one of the few members who opposed Mr. Canning's memorable expedition to Portugal. He denied the alleged *casus fœderis*, and appealed to Sir James Mackintosh, who was present, for his opinion as a publicist. Sir James pledged his opinion and authority on the side of Mr. Canning. He supported that minister both in and out of Parliament, from public motives and private friendship. Some articles, which attracted notice at different times in two of the public journals, were written by him. He spoke in favour of the grant to the family of Mr. Canning in a tone of mournful regard.

The following character of that lamented statesman by Sir James Mackintosh, under the title of "Sketch of a Fragment of the History of the Nineteenth Century," appeared in the Keepsake, with the initials of his name. In a notice prefixed to it, he professes an attempt to adopt the temper with which he believes that some events and persons of our time may be considered by a future historian.

"Without invidious comparison, it may be safely said that, from the circumstances in which he died, his death was more generally interesting among civilised nations than that of any other English statesman had ever been. It was an event in the internal history of every country. From Lima to Athens, every nation struggling for independence or existence, was filled by it with sorrow and dismay. The Miguelites of Portugal, the apostolicals of Spain, the jesuitical faction in France, and the divan of Constantinople, raised a shout of joy at the fall of their dreaded enemy. He was regretted by all who, heated by no personal or party resentment, felt for genius struck down in the act of attempting to heal the revolutionary distemper, and to render future improvements pacific: — on the principle since successfully adopted by more fortunate, though not more deserving, ministers; that of a deep and thorough compromise between the interests and the opinions, the prejudices and the demands, of the supporters of establishment, and the followers of reformation.

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"The family of Mr. Canning, which for more than a century had filled honourable stations in Ireland, was a younger branch of an ancient family among the English gentry. His father, a man of letters, was disinherited for an imprudent marriage, and the inheritance went to a younger brother, whose son was afterwards created Lord Garvagh. Mr. Canning was educated at Eton and Oxford, according to that exclusively classical system, which, whatever may have been its defects, must be owned,

when taken with its constant appendages, to be eminently favourable to the cultivation of sense and taste, as well as to the developement of wit and spirit. From his boyhood he was the foremost among very distinguished contemporaries, and continued to be regarded as the best specimen, and the most brilliant representative, of that eminently national education. His youthful eye sparkled with quickness and arch pleasantry, and his countenance early betrayed that jealousy of his own dignity, and sensibility to suspected disregard, which were afterwards softened, but never quite subdued. Neither the habits of a great school, nor those of a popular assembly, were calculated to weaken his love of praise and passion for distinction. But, as he advanced in years, his fine countenance was ennobled by the expression of thought and feeling: he more pursued that lasting praise, which is not to be earned without praiseworthiness; and, if he continued to be a lover of fame, he also passionately loved the glory of his country. Even he who almost alone was entitled to look down on fame as 'that last infirmity of noble mind,' had not forgotten that it was—

> 'The spur that the clear spirit doth raise,
> To scorn delights, and live laborious days.'*

The natural bent of character is, perhaps, better ascertained from the undisturbed and unconscious play of the mind in the common intercourse of society, than from its movements under the power of strong interest or warm passions in public life. In social intercourse Mr. Canning was delightful. Happily for the true charm of his conversation he was too busy otherwise not to treat society as more fitted for relaxation than display. It is but little to say, that he was neither disputatious, declamatory, nor sententious; neither a dictator nor a jester. His manner was simple and unobtrusive; his language always quite familiar. If a higher thought stole from his mind, it came in its conversational undress. From this plain ground his pleasantry sprung with the happiest effect; and it was nearly exempt from that alloy of taunt and banter, which he sometimes mixed with more precious materials in public contest. He may be added to the list of those eminent persons who pleased most in their friendly circle. He had the agreeable quality of being more easily pleased in society than might have been expected from the keenness of his discernment, and the sensibility of his temper. He was liable to be discomposed, or even silenced, by the presence of any one whom he did not like. His manner in society betrayed the political vexations or anxieties which preyed on his mind; nor could he conceal that sensitiveness to public attacks which their frequent recurrence wears out in most English politicians. These last foibles may be thought interesting as the remains of natural character, not destroyed by refined society and political affairs. He was assailed by some adversaries so ignoble as to wound him through his filial affection, which preserved its respectful character through the whole course of his advancement. The ardent zeal for his memory, which appeared immediately after his death, attests the warmth of those domestic affections which seldom prevail where they are not mutual. To his touching epitaph on his son, parental love has given a charm which is wanting in his other verses. It was said of him, at one time, that no man had so little popularity and such affectionate friends; and the truth was certainly more sacrificed to point in the former than in the latter member of the contrast. Some of his friendships continued in spite

* Lycidas.

of political differences, which, by rendering intercourse less unconstrained, often undermine friendship; and others were remarkable for a warmth, constancy, and disinterestedness, which, though chiefly honourable to those who were capable of so pure a kindness, yet redound to the credit of him who was the object of it. No man is so beloved who is not himself formed for friendship.

"Notwithstanding his disregard for money, he was not tempted in youth by the example or the kindness of affluent friends much to overstep his little patrimony. He never afterwards sacrificed to parade or personal indulgence; though his occupations scarcely allowed him to think enough of his private affairs. Even from his moderate fortune, his bounty was often liberal to suitors to whom official relief could not be granted. By a sort of generosity still harder for him to practise, he endeavoured, in cases where the suffering was great, though the suit could not be granted, to satisfy the feelings of the suitor by full explanation in writing of the causes which rendered compliance impracticable. Wherever he took an interest, he showed it as much by delicacy to the feelings of those whom he served or relieved, as by substantial consideration for their claims — a rare and most praiseworthy merit among men in power.

"In proportion as the opinion of a people acquires influence over public affairs, the faculty of persuading men to support or oppose political measures acquires importance. The peculiar nature of parliamentary debate contributes to render eminence in that province not so imperfect a test of political ability as it might appear to be. Recited speeches can seldom show more than powers of reasoning and imagination, which have little connection with a capacity for affairs. But the unforeseen events of debate, and the necessity of immediate answer in unpremeditated language, afford scope for quickness, firmness, boldness, wariness, presence of mind, and address in the management of men, which are among the qualities most essential to a statesman. The most flourishing period of our parliamentary eloquence extends for about half a century — from the maturity of Lord Chatham's genius to the death of Mr. Fox. During the twenty years which succeeded, Mr. Canning was sometimes the leader, and always the greatest orator, of the party who supported the administration: among whom he was supported, but not rivalled, by able men, against opponents who were not thought by him inconsiderable, of whom one, at least, was felt by every hearer, and acknowledged in private by himself, to have always forced his faculties into their very uttermost stretch.

"Had he been a dry and meagre speaker, he would have been universally allowed to be one of the greatest masters of argument; but his hearers were so dazzled by the splendour of his diction, that they did not perceive the acuteness and the sometimes excessive refinement of his reasoning; a consequence which, as it shows the injurious influence of a seductive fault, can with the less justice be overlooked in the estimate of his understanding. Ornament, it must be owned, when it only pleases or amuses without disposing the audience to adopt the sentiments of the speaker, is an offence against the first law of public speaking, of which it obstructs instead of promoting the only reasonable purpose. But eloquence is a widely extended art, comprehending many sorts of excellence; in some of which ornamented diction is more liberally employed than in others; and in none of which the highest rank can be attained, without an extraordinary combination of mental powers. Among our own orators, Mr. Canning seems to be the best model of the adorned style. The splendid and sublime descriptions of Mr. Burke, his comprehensive and profound views of general principle, though they must ever delight and instruct the readers, must be owned to have been

digressions which diverted the minds of the hearers from the object on which the speaker ought to have kept them steadily fixed. Sheridan, a man of admirable sense, and matchless wit, laboured to follow Burke into the foreign regions of feeling and grandeur, where the specimens preserved of his most celebrated speeches show too much of the exaggeration and excess to which those are peculiarly liable who seek by art and effort what nature has denied. By the constant part which Mr. Canning took in debate, he was called upon to show a knowledge which Sheridan did not possess, and a readiness which that accomplished man had no such means of strengthening and displaying. In some qualities of style, Mr. Canning surpassed Mr. Pitt. His diction was more various, sometimes more simple, more idiomatical, even in its more elevated parts. It sparkled with imagery, and was brightened by illustration; in both of which Mr. Pitt, for so great an orator, was defective.

"Mr. Canning possessed, in a high degree, the outward advantages of an orator. His expressive countenance varied with the changes of his eloquence; his voice, flexible and articulate, had as much compass as his mode of speaking required. In the calm part of his speeches, his attitude and gesture might have been selected by a painter to represent grace rising towards dignity.

"No English speaker used the keen and brilliant weapon of wit so long, so often, or so effectively, as Mr. Canning. He gained more triumphs, and incurred more enmity, by it than any other. Those whose importance depends much on birth and fortune are impatient of seeing their own artificial dignity, or that of their order, broken down by derision; and perhaps few men heartily forgive a successful jest against themselves, but those who are conscious of being unhurt by it. Mr. Canning often used this talent imprudently. In sudden flashes of wit, and in the playful description of men or things, he was often distinguished by that natural felicity which is the charm of pleasantry; to which the air of art and labour is more fatal than to any other talent. Sheridan was sometimes betrayed by an imitation of the dialogue of his master, Congreve, into a sort of laboured and finished jesting, so balanced and expanded, as sometimes to vie in tautology and monotony with the once applauded triads of Johnson; and which, even in its most happy passages, is more sure of commanding serious admiration than hearty laughter. It cannot be denied that Mr. Canning's taste was, in this respect, somewhat influenced by the example of his early friend.

"Nothing could better prove the imperfect education of English statesmen at that time, and the capacity of Mr. Canning to master subjects the least agreeable to his pursuits and inclinations.

"The exuberance of fancy and wit lessened the gravity of his general manner, and perhaps also indisposed the audience to feel his earnestness where it clearly showed itself. In that important quality he was inferior to Mr. Pitt, —

> 'Deep on whose front engraven,
> Deliberation sat, and public care;'

and not less inferior to Mr. Fox, whose fervid eloquence flowed from the love of his country, the scorn of baseness, and the hatred of cruelty, which were the ruling passions of his nature. On the whole, it may be observed, that the range of Mr. Canning's powers as an orator was wider than that in which he usually exerted them. When mere statement only was allowable, no man of his age was more simple. When infirm health compelled him to be brief, no speaker could compress his matter with so little sacrifice of clearness, ease, and elegance. In his speech on colonial reformation, in

1823, he seemed to have brought down the philosophical principles and the moral sentiments of Mr. Burke to that precise level where they could be happily blended with a grave and dignified speech, intended as an introduction to a new system of legislation. As his oratorical faults were those of youthful genius, the progress of age seemed to purify his eloquence, and every year appeared to remove some speck which hid, or, at least, dimmed, a beauty. He daily rose to larger views, and made, perhaps, as near approaches to philosophical principles as the great difference between the objects of the philosopher and those of the orator will commonly allow.

"When the memorials of his own time, the composition of which he is said never to have interrupted in his busiest moments, are made known to the public, his abilities as a writer may be better estimated. His only known writings in prose are State Papers, which, when considered as the composition of a minister for foreign affairs, in one of the most extraordinary periods of European history, are undoubtedly of no small importance. Such of these papers as were intended to be a direct appeal to the judgment of mankind combine so much precision, with such uniform circumspection and dignity, that they must ever be studied as models of that very difficult species of composition. His Instructions to Ministers Abroad, on occasions both perplexing and momentous, will be found to exhibit a rare union of comprehensive and elevated views, with singular ingenuity in devising means of execution; on which last faculty he sometimes relied perhaps more confidently than the short and dim foresight of man will warrant. 'Great affairs,' says Lord Bacon, 'are commonly too coarse and stubborn to be worked upon by the fine edges and points of wit.'* His papers in negotiation were occasionally somewhat too controversial in their tone. They are not near enough to the manner of an amicable conversation about a disputed point of business, in which a negotiator does not so much draw out his argument, as hint his own object, and sound the intention of his opponent. He sometimes seems to pursue triumph more than advantage, and not enough to remember that to leave the opposite party satisfied with what he has got, and in good humour with himself, is not one of the least proofs of a negotiator's skill. Where the papers were intended ultimately to reach the public through Parliament, it might be prudent to regard chiefly the final object; and when this excuse was wanting, much must be pardoned to the controversial habits of a parliamentary life. It is hard for a debater to be a negotiator. The faculty of guiding public assemblies is very remote from the art of dealing with individuals.

"Mr. Canning's power of writing verse may rather be classed with his accomplishments, than numbered among his high and noble faculties. It would have been a distinction for an inferior man. His verses were far above those of Cicero, of Burke, and of Bacon. The taste prevalent in his youth led him to more relish for sententious declaimers in verse than is shared by lovers of the more true poetry of imagination and sensibility. In some respects his poetical compositions were also influenced by his early intercourse with Mr. Sheridan, though he was restrained by his more familiar contemplation of classical models from the glittering conceits of that extraordinary man. Something of an artificial and composite diction is discernible in the English poems of those who have acquired reputation by Latin verse, more especially since the pursuit of rigid purity has required so timid an imitation as not only to

confine itself to the words, but to adopt none but the phrases of ancient poets; an effect of which Gray must be allowed to furnish an example.

"Absolute silence about Mr. Canning's writings as a political satirist, which were for their hour so popular, might be imputed to undue timidity. In that character he yielded to General Fitzpatrick in arch stateliness and poignant raillery; to Mr. Moore in the gay prodigality with which he squanders his countless stores of wit; and to his own friend Mr. Frere in the richness of a native vein of original and fantastic drollery. In that ungenial province, where the brightest of the hasty laurels are apt very soon to fade, and where Dryden only boasts immortal lays, it is perhaps his best praise, that there is no writing of his, which a man of honour might not avow as soon as the first heat of contest was past.

"In someo f the amusements or tasks of his boyhood there are passages which, without much help from fancy, might appear to contain allusions to his greatest measures of policy, as well as to the tenor of his life, and to the melancholy splendour which surrounded his death. In the concluding line of the first English verses written by him at Eton, he expressed a wish, which has been singularly realised, that he might—

'Live in a blaze, and in a blaze expire.'

It is at least a striking coincidence, that the statesman, whose dying measure was to mature an alliance for the deliverance of Greece, should, when a boy, have written English verses on the slavery of that country; and that in his prize poem at Oxford, on the Pilgrimage to Mecca, a composition as much applauded as a modern Latin poem can aspire to be, he should have as bitterly deplored the lot of other renowned countries, now groaning under the same barbarous yoke.

'Nunc Satrapæ imperio et sævo subdita Turcæ.'*

"To conclude:—he was a man of fine and brilliant genius, of warm affections, of high and generous spirit; a statesman, who, at home, converted most of his opponents into warm supporters; who, abroad, was the sole hope and trust of all who sought an orderly and legal liberty; and who was cut off in the midst of vigorous and splendid measures, which, if executed by himself, or with his own spirit, promised to place his name in the first class of rulers, among the founders of lasting peace, and the guardians of human improvement."

The Whigs continued to the ministry of Lord Goderich the support which they had given to that of Mr. Canning The Goderich ministry soon died of its own staminal weakness and a Tory intrigue. It was succeeded by the short but memorable Wellington ministry. The Whigs, powerless to oppose an administration, which made up in political vigour what it wanted in political capacity, affected a disinterested forbearance. The affairs of Portugal were among the few subjects directly mooted between the opposition and the government; and, even in this instance, the motion made by Sir James Mackintosh was withdrawn. The Nero of Portugal, it

* Iter ad Meccam, Oxford, 1789.

should be remembered, had just begun to wanton in that instinctive cruelty and thirst of blood, which it is less humiliating to find in human nature, than that the human species should be base enough to tolerate them. The following are a few passages from the speech of Sir James Mackintosh: —

"Portugal was a country closely connected with Great Britain by alliances which had originated four hundred and fifty years ago — a connection, he ventured to say, unparalleled in the whole history of mankind — a connection which had not been interrupted by a cloud of disagreement for a single day. A treaty of alliance had subsisted between this country and Portugal for the space of one hundred and twenty years, which had never drawn England into a war, or exposed her to injury; but which, on the contrary, had exposed Portugal to invasion thrice — in 1761, in 1801, and again in 1807; and it would seem that, in addition to these sufferings, she was now to be abandoned to the yoke of an usurper, who had made his way to the throne by a series of falsehoods, perjuries, and frauds, which, in the case of any man amenable to law, would have subjected their perpetrator to the most disgraceful, if not the most extreme, punishment;—a man who laboured under the imputation of private crimes, imputations uncontradicted and unconfuted, which rather reminded us of the acts of Commodus and Caracalla than of the tame and common-place character of modern vice;—a man who bore upon his brow the brand of a pardon which he received from his king and his father for an act of parricidal rebellion. It was disgraceful that the ancient and faithful ally of England should have fallen under the yoke of such a man. In this case, the vices of the individual constituted a great part of the misfortunes of the nation which he ruled; and this circumstance justified the allusion to and the reprobation of them. His Majesty had twice told Parliament, though in milder language than this, that he and all the other powers of Europe had been obliged to cut off all diplomatic intercourse with this ancient and renowned member of the European Christian states, for nearly twelve months — a mark of displeasure almost, if not altogether, unexampled— a mark of displeasure, short of an actual declaration of war, the strongest that it was possible to affix upon any ruler. Europe had sat in judgment on the conduct of this man, who had brought dishonour on a once illustrious and still respectable country; and Europe, as a mark of its disapprobation of his proceedings, had pronounced the state which Don Miguel governed unworthy of being allowed to maintain relations of amity with other powers while she groaned under the yoke of the usurper. While Don Miguel received tokens of obedience from at least a part of his subjects, his Majesty and his Majesty's ministers had recognised the royal rights and privileges of Donna Maria, with a high feeling of courtesy and justice, which did credit to the monarch and his advisers. He heartily approved of this part of our conduct towards the young queen; he spoke not now of consistency, and did not allude to the conduct of this country in other particulars. We had received Donna Maria with a degree of courtesy and respect, which her youth, innocence, royal rank, and grievous wrongs, were so well calculated to inspire. But, meanwhile, Don Miguel enjoyed the fruits of his crime at Lisbon, while his injured relative remained here an exile, deprived of her just rights and privileges. This was a case which, considering the House as the guardian of the national honour, and entitled to watch over our deportment to our allies, ought to receive the closest examination at our hands, with reference to every circum-

stance connected with the present state of the relations subsisting between us and our most ancient ally.

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"Perhaps it would here be prudent to arrest the argument, in order to examine into the nature of that principle of the law of nations, which should form so prominent a feature in the discussion of this question, — he meant the principle of neutrality. It was a word which required very exact definition. Neutrality was not a point, but rather a line. It was not indifference alike to the interests of both parties; neither was it equality of good opinion or good wishes. It was not that detestable insensibility to right or wrong, which argued the extinction of the better and more generous feelings of our nature. As a consequence of these admissions, it would be found, that although this country had considered itself bound by the principle of neutrality not actively to interfere in the case of the infamous partition of Poland, it had not considered itself restrained from reprobating that partition and spoliation, although at peace with those who effected that partition. Neither in the case of the sale of the island of Corsica had this country felt itself restrained from reprobating the conduct of France in concluding that shameful bargain. The principle of neutrality had not prevented this country from marking, with its animated reprobation, the conduct of its ally, France, when it designed and completed that most iniquitous invasion of another of our allies, Spain, in 1823. Having compared this principle to a line, he would follow up that observation by saying, that it was a line of such a length, that being induced by feelings or circumstances to take up a fresh position on it, or by straying from one point to another of it, we might change from a state or condition of a friendly nature towards a party to whom we had pledged our neutrality, to a state or condition which might almost be considered inimical to that state.

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"The last, though not the least deplorable fact, in his tragic story, which he would quote, was the atrocious conduct of Miguel in May last towards certain constitutional residents in Oporto. On the 7th of May, only three weeks ago, this perfidious usurper murdered — he said murdered — ten gentlemen in Oporto; for what? why, simply and solely for having, on the 18th of the preceding May, followed the example of England and Austria — not to talk of Russia, Prussia, and France — in recognising the constitution granted by Don Pedro, adopted by the Portuguese, and sworn to by the usurper himself. Two of these unfortunate gentlemen were reserved for a more protracted suffering under the pretence of being pardoned — one being sent for life to the lingering and agonising torture of the gallies at Angola; the other, the brother of the Portuguese ambassador at Brussels, being condemned for life to hard labour. By an edict of the most fiendish tyranny, those gentlemen were condemned first to witness the murder of their brave and high-minded companions in loyalty to the constitution, which all Europe had acknowledged, England encouraged, and Miguel himself sworn to observe — a species of torture which the generous mind most acutely felt, and which was aggravated by the heroic fortitude of their companions' sufferings. On the day of the murder, the city of Oporto was a spectacle of horror; the rich had abandoned the town, and shut themselves up in their villas; the poor shut their doors, and the streets were abandoned to the executioner, the guards, and the ill-fated victims. The 16th of May was the day chosen by Miguel for this atrocious execution. It was a most deliberate act. It was not a mere punishment for offences which were legal, and for which an amnesty had been passed ten months before, and which had actually been

planned before his arrival. No; it was a bold and deliberate defiance of civilised Europe — of Christendom; the princes and ministers of which he burnt in effigy, for having a few weeks before withdrawn their representatives from his polluted kingdom as from a city of the plague. He thought, by this slaughter of all who opposed his despotism, to force Europe into a recognition of his throne, to prevent the effusion of more blood. By dint of murder he hoped to force us to hail, as a Christian king, the man who despised justice, and had violated every law that regulated civilised man; and he held up his bloody hands in open defiance of all Europe, telling its rulers that he scorned their judgment while he defied their power."

Sir James Mackintosh ceased contributing to the Edinburgh Review with the number dated September, 1826. Two only of his contributions remain to be noticed: the first is on the Partitions of Poland, in the number dated November, 1822. The following passages from this article will be read with interest for the sake both of the writer and of the interesting, gallant, and most unfortunate nation to which they relate: —

"Little more than fifty years have passed since Poland continued to occupy a high place among the powers of Europe. Her natural means of wealth and force were inferior to those of few states of the second order. The surface of the country exceeded that of France; and the number of inhabitants was estimated at fourteen millions, a population probably exceeding that of the British islands, or of the Spanish peninsula, at the era of the first partition. The climate was nowhere unfriendly to health, or unfavourable to labour; the soil was fertile, the produce redundant; a large portion of the country, still uncleared, afforded ample scope for agricultural enterprise. Great rivers afforded easy means of opening an internal navigation from the Baltic to the Mediterranean. In addition to these natural advantages, there were many of those circumstances in the history and situation of Poland which render a people fond and proud of their country, and foster that national spirit which is the most effectual instrument either of defence or aggrandisement. Till the middle of the seventeenth century she was the predominating power of the North. With Hungary, and the maritime strength of Venice, she formed the eastern defence of Christendom against the Turkish tyrants of Greece, and on the north-east she was long the sole barrier against the more obscure barbarians of Muscovy, after they had thrown off the Tartarian yoke.* A nation which thus constituted a part of the vanguard of civilisation necessarily became martial, and gained all the renown in arms which could be acquired before war had become a science. The wars of the Poles, irregular, romantic, full of personal adventure, dependent on individual courage and peculiar character, proceeding little from the policy of cabinets, but deeply imbued by those sentiments of chivalry which may pervade a nation, chequered by extraordinary vicissitudes, carried on against barbarous enemies in remote and wild provinces, were calculated to leave a deep impression on the feelings of the people, and to give every man the liveliest interest in the glories and dangers of his country. Whatever renders the members of a community more like each other, and unlike their neigh-

* "Poloniam velut propugnaculum orbis Christiani." — "Polonia Germaniam ab irruptionibus BARBARORUM tutam præstitit." — *Puffendorff, Rerum Brandenburgicarum*, l. v. c. 31.

bours, usually strengthens the bonds of attachment between them. The Poles were the only representatives of the Sarmatian race in the assembly of civilised nations; their language and their national literature, those great sources of sympathy and objects of national pride, were cultivated with no small success. They contributed, in one instance, signally to the progress of science, and they took no ignoble part in those classical studies which composed the common literature of Europe. They were bound to their country by the peculiarities of its institutions and usages—perhaps, also, by the very defects in their government, which at last contributed to its fall, by those dangerous privileges, and by that tumultuary independence which rendered their condition as much above that of the slaves of absolute monarchy, as it was below the lot of those who inherit the blessings of legal and moral freedom. They had once another singularity, of which they might justly have been proud, if they had not abandoned it in times which ought to have been more enlightened. Soon after the Reformation, they set the first example of that true religious liberty which equally admits the members of all sects to the privileges, the offices, and dignities of the commonwealth. For nearly a century they afforded a secure asylum to those obnoxious sects of Anabaptists and Unitarians, whom all other states excluded from toleration; and the Hebrew nation, proscribed every where else for several ages, found a second country, with protection for their learned and religious establishments, in this hospitable and tolerant land.

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"Kosciusko, harassed by the advance of an Austrian, Prussian, and Russian army, concentrated the greater part of his army around Warsaw. Frederic William advanced against the capital, at the head of 40,000 disciplined troops. Kosciusko, with 12,000 irregulars, made an obstinate resistance for several hours, on the 8th of June, and retired to his entrenched camp before Warsaw. The Prussians took possession of Cracow; and summoned the capital to surrender, under pain of all the horrors suffered by towns which are taken by assault. After two months employed in vain attempts to reduce the city, the King of Prussia was compelled, by an insurrection in his lately acquired Polish province, to retire with precipitation and disgrace. But in the mean time, the Russians advanced, in spite of the gallant resistance of General Count Joseph Sierakowski, one of the most faithful friends of his country. On the 4th of October, Kosciusko, with only 18,000 men, thought it necessary to hazard a battle at Macciowice, to prevent the junction of the two Russian divisions of Suwarrow and Fersen. Success was long and valiantly contested. According to some narrations, the enthusiasm of the Poles would have prevailed, if the treachery or incapacity of Count Poninski had not favoured the Russians. That officer neither defended a river, where he had been ordered to make a stand, nor brought up his division to support his General. Kosciusko, after the most admirable exertions of judgment and courage, fell, covered with wounds. The Polish army fled. The Russians and Cossacks were melted at the sight of their gallant enemy, who lay insensible on the field. When he opened his eyes and learnt the full extent of the disaster, he vainly implored the enemy to put an end to his sufferings. The Russian officers, moved with admiration and compassion, treated his wounds with tenderness, and sent him, with due respect, a prisoner of war to Petersburg. Catherine threw him into a dungeon, from which he was released by Paul, on his succession, perhaps, partly from hatred to his mother, and partly

from one of those paroxysms of transient generosity, of which that brutal lunatic was not incapable.

"From that moment the farther defence of Poland became hopeless. Suwarrow advanced to the capital, and stimulated his army to the assault of the great suburb of Praga, by the barbarous promise of a licence to pillage for forty-eight hours. A dreadful contest ensued on the 4th of November, 1794, in which the inhabitants performed prodigies of useless valour, making a stand in every street, and at almost every house. All the horrors of war, which the most civilised armies practise on such occasions, were here seen with tenfold violence. No age, or sex, or condition was spared. The murder of children formed a sort of barbarous sport for the assailants. The most unspeakable outrages were offered to the living and the dead. The mere infliction of death was an act of mercy. The streets streamed with blood. Eighteen thousand human carcasses were carried away from them after the massacre had ceased. Many were burnt to death in the flames which consumed the town. Multitudes were driven by the bayonet into the Vistula. A great body of fugitives perished by the fall of the great bridge, over which they fled. These tremendous scenes closed the resistance of Poland, and completed the triumph of her oppressors. The Russian army entered Warsaw on the 9th of November, 1794. Stanislaus was suffered to amuse himself with the formalities of royalty for some months longer. In obedience to the order of Catherine, he abdicated on the 25th of November, 1795 — a day which, being the anniversary of his coronation, seemed to be chosen to complete his humiliation. Quarrels about the division of the booty retarded the complete execution of the formal and final partition till the beginning of the year 1796.

"Thus fell the Polish people, after a wise and virtuous attempt to establish liberty, and a heroic struggle to defend it — by the flagitious wickedness of Russia — by the foul treachery of Prussia — by the unprincipled accession of Austria — and by the short-sighted, as well as mean-spirited, acquiescence of all the nations of Europe."

His last article appeared in the number dated September, 1826: — on the subject of the Danish Revolution which led to the imprisonment of Caroline Matilda, sister of George III., and to the death of Struensee. The forced marriage, and consequent misfortunes, of that princess are well known. They drew from Sir James Mackintosh the following just and pregnant observation: —

"It is difficult to contain the indignation which naturally arises from the reflection, that at this very time, and with a full knowledge of the fate of the Queen of Denmark, the Royal Marriage Act was passed in England for the avowed purpose of preventing the only marriages of preference, which a princess, at least, has commonly the opportunity of forming. Of a monarch, who thought so much more of the pretended degradation of his brother than of the cruel misfortunes of his sister, less cannot be said than that he must have had more pride than tenderness. Even the capital punishment of Struensee for such an offence will be justly condemned by all but English lawyers, who ought to be silenced by the consciousness that the same barbarous disproportion of a penalty to an offence is sanctioned in the like case, by their own law."

Those who may be led away by the notion that absolute power can be any thing but the worst of evils, even in Denmark, where it was formally surrendered by the nation to the sovereign, and where absolute government has been represented as so full of comfort to the people, should peruse this article: —

"It became a fashion," says Sir James, "among slavish sophists to quote the example of Denmark as a proof of the harmlessness of despotism, and of the indifference of forms of government: — 'Even in Denmark,' it was said, 'where the king is legally absolute, civil liberty is respected, justice is well administered, the persons and property of men are secure, the whole administration is more moderate and mild than that of most governments which are called free. The progress of civilisation, and the power of public opinion, more than supply the place of popular institutions.' These representations were aided by that natural disposition of the human mind, when a good consequence unexpectedly appears to spring from a bad institution, to be hurried into the extreme of doubting whether the institution be not itself good, without waiting to balance the evil against the good, or even duly to ascertain the reality of the good. No species of discovery produces so agreeable a surprise, and, consequently, so much readiness to assent to its truth, as that of the benefits of an evil. There are no paradoxes more captivating than the apologies of old abuses and corruptions.

"The honest narrative of Falkenskiold, however, tells us a different tale. The first of the despotic kings, jealous of the nobility, bestowed the highest offices on adventurers, who were either foreigners, or natives of the lowest sort. Such is the universal practice of Eastern tyrants. Such was, for a century, the condition of Spain, the most Oriental of European countries. The same characteristic feature of despotism is observable in the history of Russia. All talent being extinguished among the superior classes, by withdrawing every object which excites and exercises the faculties, the prince finds a common capacity for business only abroad, or among the lowest classes of his subjects. Bernstorff, a Hanoverian, Lynar, a Saxon, and St. Germain, a Frenchman, were among the ablest of the Danish ministers. The country was governed for a hundred years by foreigners. Unacquainted with Denmark, and disdaining even to acquire its language, they employed Danish servants as their confidential agents, and placed them in all the secondary offices. The natives followed their example. Footmen occupied important offices. So prevalent was this practice, that a law was at length passed by the ill-fated Struensee, to forbid this new rule of freemen. Some of the foreign ministers, with good intentions, introduced ostentatious establishments, utterly unsuitable to one of the poorest countries of Europe. With a population of two millions and a half, and an annual revenue of a million and a half sterling, Denmark, in 1769, had on foot an army of sixty-six thousand men; so that about a ninth of the males of the age of labour were constantly idle and under arms. There was a debt of near ten millions sterling, after fifty years' peace. An inconvertible paper money, always discredited, and daily fluctuating, rendered contracts nugatory, and made it impossible to determine the value of property, or to estimate the wages of labour. The barren and mountainous country of Norway, out of a population of seven hundred thousand souls, contributed twenty thousand men to the army, nine thousand to a local militia, and fourteen thousand enrolled for naval service, forming a total of forty-three thousand conscripts, the fourth part of the labouring males being thus set

apart by conscription for military service. The majority of the officers of the army were foreign, and the words of command were given in the German language. The navy was disproportioned to the part of the population habitually employed in maritime occupation; but it was the natural force of the country. The seamen were skilful and brave, and their gallant resistance to Nelson, in 1801, is the greatest honour of the Danish name in modern times. Their colonies were useful and costly.

"The administration of law was neither just nor humane. The torture was in constant use. The treatment of the galley slaves at Copenhagen caused travellers who had seen the Mediterranean ports to shudder. One of the mild modes of removing an unpopular minister was to send him a prisoner for life to a dungeon under the Arctic circle.

"The effect of absolute government in debasing the rulers was remarkable in Denmark. One of the principal amusements of Frederic V., who sat on the throne from 1746 to 1766, consisted in mock matches at boxing and wrestling with his favourites, in which it was not always safe to gain an advantage over the royal gladiator. His son and successor, Christian VII., was either originally deficient in understanding, or had, by vicious practice in boyhood, so much impaired his mental faculties, that considerable wonder was felt at Copenhagen at his being allowed in 1768 to display his imbecility in a tour through a great part of Europe. The elder Bernstorff, then at the head of the council, was unable to restrain the king and his favourite Stolk from this indiscreet exposure. Such, however, is the power of 'the solemn plausibilities of the world,' that in France this unhappy person was complimented by academies, and in England works of literature were inscribed to him."

The remaining, and the most important, literary works of Sir James Mackintosh, are the unfinished History of the Revolution of 1688, contained in the present volume, "A general View of Ethical Philosophy," begun in the first, and completed in the second, volume of the Edinburgh edition of the Encyclopædia Britannica, "The History of England, from the Roman Conquest of Britain to the Sixteenth Year of the Reign of Elizabeth," and the "Life of Sir Thomas More," both published in the Cabinet Cyclopædia. Of the merits and character of the first-mentioned work here presented to the reader nothing need be said. The dissertation on the progress of ethical philosophy not only sustained but advanced his reputation, already eminent in speculative science. Less studious or ostentatious of the graces and ornaments of composition than Dugald Stewart, less negligent of them than other writers, his style has in general* a sustained and simple elegance which becomes the subject, and charms the reader. The first and last impression left upon the mind by the perusal of this essay

* This qualification may appear invidious or unjust; it is however called for by such exceptions as the following illustration of the system of Hobbes:—"The moral and political system of Hobbes was a palace of ice, transparent, exactly proportioned, majestic, admired by the unwary as a delightful dwelling; but gradually undermined by the central warmth of human feeling, before it was thawed into muddy water by the sunshine of true philosophy."

is that of his vast reading and deep meditation on the principles of morals. He neither starts a new theory, nor throws his weight, at least decisively, into either scale, where he considers the more modern controversies of adverse schools. It is true that he maintains the existence of perfectly disinterested benevolence, and—with some qualification—of the moral sense. But it may be said, on the whole, that he rather views and wanders over the surface of the science in its progress from the earliest time, and from its earliest cultivators to the most recent,—characterising the principles, or examining the writings, of the chiefs of sects and schools, from Epicurus to Bentham. It should be observed, that his view chiefly and professedly respects the progress of ethics in the seventeenth and eighteenth centuries, giving naturally, and perhaps reasonably, his main attention to its cultivation in the United Kingdom. He begins by distinguishing and defining, as follows, the physical and moral sciences: —

"But however multiplied the connections of the moral and physical sciences are, it is not difficult to draw a general distinction between them. The purpose of the physical sciences throughout all their provinces is to answer the question, *What is?* They consist only of facts arranged according to their likeness, and expressed by general names given to every class of similar facts. The purpose of the moral sciences is to answer the question, *What ought to be?* They aim at ascertaining the rules which *ought* to govern voluntary action, and to which those habitual dispositions of mind which are the source of voluntary actions *ought* to be adapted."

After some preliminary observations, he glances over ancient ethics. The following *coup d'œil* is admirable. No one endued with the least sense of the beautiful in morals, or in style, could bring himself to curtail it: —

"It was not till near a century after the death of Plato, that ethics became the scene of philosophical contest between the adverse schools of Epicurus and Zeno, whose errors afford an instructive example, that, in the formation of theory, partial truth is equivalent to absolute falsehood. As the astronomer who left either the centripetal or the centrffugal force of the planets out of his view would err as completely as he who excluded both, so the Epicureans and Stoics, who each confined themselves to real but not exclusive principles in morals, departed as widely from the truth as if they had adopted no part of it. Every partial theory is, indeed, directly false, inasmuch as it ascribes to one or few causes what is produced by more. As the extreme opinions of one, if not both, of these schools have been often revived, with variations and refinements, in modern times, and are still not without influence on ethical systems, it may be allowable to make some observations on this earliest of moral controversies.

"'All other virtues,' said Epicurus, 'grow from prudence, which teaches that we cannot live pleasurably without living justly and virtuously, nor live justly and virtuously without living pleasurably.' The illustration of this sentence formed the whole moral discipline of Epicurus. To him we owe the general concurrence of re-

flecting men in succeeding times, in the important truth, that men cannot be happy without a virtuous frame of mind and course of life; a truth of inestimable value, not peculiar to the Epicureans, but placed by their exaggerations in a stronger light; a truth, it must be added, of less importance as a motive to right conduct than to the completeness of moral theory, which, however, it is very far from solely constituting. With that truth the Epicureans blended another position, which, indeed, is contained in the first words of the above statement; namely, that because virtue promotes happiness, every act of virtue must be done in order to promote the happiness of the agent. They and their modern followers tacitly assume, that the latter position is the consequence of the former; as if it were an inference from the necessity of food to life, that the fear of death should be substituted for the appetite of hunger as a motive for eating. 'Friendship,' says Epicurus, 'is to be pursued by the wise man only for its usefulness, but he will begin as he sows the field in order to reap.' It is obvious that, if these words be confined to outward benefits, they may be sometimes true, but never can be pertinent; for outward acts sometimes show kindness, but never compose it. If they be applied to kind feeling they would, indeed, be pertinent, but they would be evidently and totally false; for it is most certain that no man acquires an affection merely from his belief that it would be agreeable or advantageous to feel it. Kindness cannot, indeed, be pursued on account of the pleasure which belongs to it: for man can no more know the pleasure till he has felt the affection, than he can form an idea of colour, without the sense of sight. The moral character of Epicurus was excellent; no man more enjoyed the pleasure or better performed the duties of friendship. The letter of his system was no more indulgent to vice than that of any other moralist.* Although, therefore, he has the merit of having more strongly inculcated the connection of virtue with happiness, perhaps, by the faulty excess of treating it as an exclusive principle, yet his doctrine was justly charged with indisposing the mind to those exalted and generous sentiments, without which no pure, elevated, bold, generous, or tender virtues can exist.

"As Epicurus represented the *tendency* of virtue, which is a most important truth in ethical theory, as the sole inducement to virtuous practice; so Zeno, in his disposition towards the opposite extreme, was inclined to consider the moral sentiments which are the motives of right conduct, as being the sole principles of moral science. The confusion was equally great in a philosophical view; but that of Epicurus was more fatal to interests of higher importance than those of philosophy. Had the Stoics been content with affirming that virtue is the source of all that part of our happiness which depends on ourselves, they would have taken a position from which it would have been impossible to drive them; they would have laid down a principle of as great comprehension in practice as their wider pretensions; a simple and incontrovertible truth, beyond which every thing is an object of mere curiosity to man. Our information, however, about the opinions of the more celebrated Stoics is very scanty. None of their own writings are preserved. We know little of them but from Cicero, the translator of Grecian philosophy, and from the Greek compilers of a later age; authorities which would be imperfect in the history of facts, but which are of far less value in the history of

* It is due to him to observe that he treated humanity towards slaves as one of the characteristics of a wise man. Ουτε κολασειν οικετας, ελεησειν μεν τα και συγγνωμην τινι ἑξειν των σπουδαιων. (DIOG. LAERT. lib. x. edit. Meibom. I. 653.) It is not unworthy of remark, that neither Plato nor Epicurus thought it necessary to abstain from these topics in a city full of slaves, many of whom were men not destitute of knowledge.

opinions, where a right conception often depends upon the minutest distinctions between words. We know that Zeno was more simple, and that Chrysippus, who was accounted the prop of the Stoic Porch, abounded more in subtile distinction and systematic spirit. His power was attested as much by the antagonists whom he called forth, as by the scholars whom he formed. 'Had there been no Chrysippus, there would have been no Carneades,' was the saying of the latter philosopher himself; as it might have been said in the eighteenth century, 'Had there been no Hume, there would have been no Kant and no Reid.' Cleanthes, when one of his followers would pay court to him by laying vices to the charge of his most formidable opponent, Arcesilaus, the academic, answered, with a justice and candour unhappily too rare, 'Silence, do not malign him; though he attacks virtue by his arguments, he confirms its authority by his life.' Arcesilaus, whether modestly or churlishly, replied, 'I do not choose to be flattered.' Cleanthes, with a superiority of repartee as well as charity, replied, 'Is it flattery to say that you speak one thing and do another?' It would be vain to expect that the fragments of the professors who lectured in the Stoic school for five hundred years should be capable of being moulded into one consistent system; and we see that, in Epictetus at least, the exaggeration of the sect was lowered to the level of reason, by confining the sufficiency of virtue to those cases only where happiness is attainable by our voluntary acts. It ought to be added, in extenuation of a noble error, that the power of habit and character to struggle against outward evils has been proved by experience to be in some instances so prodigious, that no man can presume to fix the utmost limit of its possible increase.

"The attempt, however, of the Stoics to stretch the bounds of their system beyond the limits of nature produced the inevitable inconvenience of dooming them to fluctuate between a wild fanaticism on the one hand, and, on the other, concessions which left their differences from other philosophers purely verbal. Many of their doctrines appear to be modifications of their original opinions, introduced as opposition became more formidable. In this manner they were driven to the necessity of admitting that the objects of our desires and appetites are worthy of preference, though they are denied to be constituents of happiness. It was thus that they were obliged to invent a double morality; one for mankind at large, from whom was expected no more than the καθηκον, which seems principally to have denoted acts of duty done from inferior or mixed motives; and the other, which they appear to have hoped from their ideal wise man, is κατορθωμα, or perfect observance of rectitude, which consisted only in moral acts done from mere reverence for morality, unaided by any feelings; all which (without the exception of pity) they classed among the enemies of reason and the disturbers of the human soul. Thus did they shrink from their proudest paradoxes into verbal evasions. It is remarkable that men so acute did not perceive and acknowledge, that, if pain were not an evil, cruelty would not be a vice; and that, if patience were of power to render torture indifferent, virtue must expire in the moment of victory. There can be no more triumph when there is no enemy left to conquer.

"The influence of men's opinions on the conduct of their lives is checked and modified by so many causes; it so much depends on the strength of conviction, on its habitual combination with feelings, on the concurrence or resistance of interest, passion, example, and sympathy—that a wise man is not the most forward in attempting to determine the power of its single operation over human actions. In the case of an individual it becomes altogether uncertain. But, when the experiment is made on a large scale; when it is long-continued and varied in its circumstances; and especially when great

bodies of men are for ages the subject of it, we cannot reasonably reject the consideration of the inferences to which it appears to lead. The Roman patriciate, trained in the conquest and government of the civilised world, in spite of the tyrannical vices which sprung from that training, were raised by the greatness of their objects to an elevation of genius and character unmatched by any other aristocracy; at the moment when, after preserving their power by a long course of wise compromise with the people, they were betrayed by the army and the populace into the hands of a single tyrant of their own order — the most accomplished of usurpers, and, if humanity and justice could for a moment be silent, one of the most illustrious of men. There is no scene in history so memorable as that in which Cæsar mastered a nobility of which Lucullus and Hortensius, Sulpicius and Catullus, Pompey and Cicero, Brutus and Cato, were members. This renowned body had from the time of Scipio sought the Greek philosophy as an amusement or an ornament. Some few, 'in thought more elevate,' caught the love of truth, and were ambitious of discovering a solid foundation for the rule of life. The influence of the Grecian systems was tried by their effect on a body of men of the utmost originality, energy, and variety of character, during the five centuries between Carneades and Constantine, in their successive positions of rulers of the world, and of slaves under the best and under the worst of uncontrolled masters. If we had found this influence perfectly uniform, we should have justly suspected our own love of system of having in part bestowed that appearance on it. Had there been no trace of such an influence discoverable in so great an experiment, we must have acquiesced in the paradox, that opinion does not at all affect conduct. The result is the more satisfactory, because it appears to illustrate general tendency without excluding very remarkable exceptions. Though Cassius was an Epicurean, the true representative of that school was the accomplished, prudent, friendly, good-natured timeserver Atticus, the pliant slave of every tyrant, who could kiss the hand of Antony, imbrued as it was in the blood of Cicero. The pure school of Plato sent forth Marcus Brutus, the signal humanity of whose life was both necessary and sufficient to prove that his daring breach of venerable rules flowed only from that dire necessity which left no other means of upholding the most sacred principles. The Roman orator, though in speculative questions he embraced that mitigated doubt which allowed most ease and freedom to his genius, yet, in those moral writings where his heart was most deeply interested, followed the severest sect of philosophy, and became almost a Stoic. If any conclusion may be hazarded from this trial of systems, the greatest which history has recorded, we must not refuse our decided, though not undistinguishing, preference to that noble school which preserved great souls untainted at the court of dissolute and ferocious tyrants; which exalted the slave of one of Nero's courtiers to be a moral teacher of after-times; which for the first, and hitherto for the only, time breathed philosophy and justice into those rules of law which govern the ordinary concerns of every man; and which, above all, has contributed, by the examples of Marcus Portius Cato and of Marcus Aurelius Antoninus, to raise the dignity of our species, to keep alive a more ardent love of virtue, and a more awful sense of duty, throughout all generations.

"The result of this short review of the practical philosophy of Greece seems to be, that though it was rich in rules for the conduct of life, and in exhibitions of the beauty of virtue, and though it contains glimpses of just theory and fragments of, perhaps, every moral truth, yet it did not leave behind any precise and coherent system; unless we except that of Epicurus, who purchased consistency, method, and perspicuity too

dearly by the sacrifice of truth, and by narrowing and lowering his views of human nature, so as to enfeeble, if not extinguish, all the vigorous motives to arduous virtue."

A notice of the ethics of the schoolmen comes next, and opens as follows: —

"An interval of a thousand years elapsed between the close of ancient and the rise of modern philosophy; the most unexplored, yet not the least instructive, portion of the history of European opinion. In that period the sources of the institutions, the manners, the characteristic distinctions of modern nations, have been traced by a series of philosophical enquirers, from Montesquieu to Hallam; and there also, it may be added, more than among the ancients, are the well-springs of our speculative doctrines and controversies. Far from being inactive, the human mind, during that period of exaggerated darkness, produced discoveries in science, inventions in art, and contrivances in government, some of which, perhaps, were rather favoured than hindered by the disorders of society, and by the twilight in which men and things were seen. Had Boethius, the last of the ancients, foreseen, that, within two centuries of his death, in the province of Britain, then a prey to all the horrors of barbaric invasion, a chief of one of the fiercest tribes of barbarians should translate into the jargon of his freebooters the work on *The Consolations of Philosophy*, of which the composition had soothed the cruel imprisonment of the philosophic Roman himself, he must, even amidst his sufferings, have derived some gratification from such an assurance of the recovery of mankind from ferocity and ignorance. But, had he been allowed to revisit the earth in the middle of the sixteenth century, with what wonder and delight might he have contemplated the new and fairer order which was beginning to disclose its beauty, and to promise more than is revealed! He would have seen personal slavery nearly extinguished, and women, first released from Oriental imprisonment by the Greeks, and raised to a higher dignity among the Romans, at length fast approaching to due equality — two revolutions the most signal and beneficial since the dawn of civilisation. He would have seen the discovery of gunpowder, which for ever guarded civilised society against barbarians, while it transferred military strength from the few to the many; of paper and printing, which rendered a second destruction of the repositories of knowledge impossible, as well as opened a way by which it was to be finally accessible to all mankind; of the compass, by means of which navigation had ascertained the form of the planet, and laid open a new continent more extensive than his world. If he had turned to civil institutions, he might have learned that some nations had preserved an ancient and seemingly rude mode of legal proceeding, which threw into the hands of the majority of men a far larger share of judicial power than was enjoyed by them in any ancient democracy. He would have seen every where the remains of that principle of representation, the glory of the Teutonic race, by which popular government, anciently imprisoned in cities, became capable of being strengthened by its extension over vast countries, to which experience cannot even now assign any limits; and which, in times still distant, was to exhibit, in the newly discovered continent, a republican confederacy, likely to surpass the Macedonian and Roman empires in extent, greatness, and duration, but gloriously founded on the equal rights, not, like them, on the universal subjection, of mankind. In one respect, indeed, he might have lamented that the race of man had made a really retrograde movement; that they had lost the liberty of philosophising; that the open exercise of their highest faculties was interdicted. But

he might also have perceived that this giant evil had received a mortal wound from Luther, who, in his warfare against Rome, had struck a blow against all human authority, and unconsciously disclosed to mankind that they were entitled, or rather bound, to form and utter their own opinions, and, most of all, on the most deeply interesting subjects; for, although this most fruitful of moral truths was not yet so released from its combination with the wars and passions of the age as to assume a distinct and visible form, its action was already discoverable in the divisions among the reformers, and in the fears and struggles of civil and ecclesiastical oppressors. The Council of Trent, and the courts of Paris, Madrid, and Rome, had before that time foreboded the emancipation of reason."

Having reached modern ethics, he begins with Hobbes. His character of the philosopher of Malmesbury opens thus: —

"Thomas Hobbes of Malmesbury may be numbered among those eminent persons born in the latter half of the sixteenth century, who gave a new character to European philosophy in the succeeding age. He was one of the late writers and late learners. It was not till he was nearly thirty that he supplied the defects of his early education, by classical studies so successfully prosecuted, that he wrote well in the Latin, then used by his scientific contemporaries; and made such proficiency in Greek as, in his earliest work, the translation of Thucydides, published when he was forty, to afford a specimen of a version still valued for its remarkable fidelity; though written with a stiffness and constraint very opposite to the masterly facility of his original compositions. It was after forty that he learned the first rudiments of geometry (so miserably defective was his education); but yielding to the paradoxical disposition apt to infect those who begin to learn after the natural age of commencement, he exposed himself by absurd controversies with the masters of a science which looks down with scorn on the sophist. A considerable portion of his mature age was passed on the Continent, where he travelled as tutor to two successive Earls of Devonshire; a family with whom he seems to have passed nearly half a century of his long life. In France his reputation, founded at that time solely on personal intercourse, became so great, that his observations on the *Meditations* of Descartes were published in the works of that philosopher, together with those of Gassendi and Arnauld. It was about his sixtieth year that he began to publish those philosophical writings which contain his peculiar opinions; which set the understanding of Europe into general motion, and stirred up controversies among metaphysicians and moralists, not even yet determined. At the age of eighty-seven he had the boldness to publish metrical versions of the *Iliad* and *Odyssey*, which the greatness of his name, and the singularity of the undertaking, still render objects of curiosity, if not of criticism. He owed his influence to various causes; at the head of which may be placed that genius for system, which, though it cramps the growth of knowledge, perhaps finally atones for that mischief, by the zeal and activity which it rouses among followers and opponents, who discover truth by accident, when in pursuit of weapons for their warfare."

No extract within the compass of these pages would give a just idea of the expositions which he gives, and the remarks which he subjoins in refutation of the principles, political and moral, taught by that most ingeni-

ous of dogmatists. The following are a few passages from the characters which he has drawn of other ethical writers, down to his own contemporaries and friends: —

SHAFTESBURY. — "Lord Shaftesbury, the author of the *Characteristics*, was the grandson of Sir Anthony Ashley Cooper, created Earl of Shaftesbury, one of the master spirits of the English nation, whose vices, the bitter fruits of the insecurity of a troublous time, succeeded by the corrupting habits of an inconstant, venal, and profligate court, have led an ungrateful posterity to overlook his wisdom, and disinterested perseverance, in obtaining for the English nation the unspeakable benefits of the habeas corpus act. The fortune of the *Characteristics* has been singular. For a time the work was admired more undistinguishingly than its literary character warrants. In the succeeding period it was justly criticised, but too severely condemned. Of late, more unjustly than in either of the former cases, it has been generally neglected. It seemed to have the power of changing the temper of its critics. It provoked the amiable Berkeley to a harshness equally unwonted and unwarranted; while it softened the rugged Warburton so far as to dispose the fierce yet not altogether ungenerous polemic to praise an enemy in the very heat of conflict.

"Leibnitz, the most celebrated of continental philosophers, warmly applauded the *Characteristics*, and (what was a more certain proof of admiration), though at an advanced age, criticised that work minutely. Le Clerc, who had assisted the studies of the author, contributed to spread its reputation by his *Journal*, then the most popular in Europe. Locke is said to have aided in his education, probably rather by counsel than by tuition. The author had indeed been driven from the regular studies of his country by the insults with which he was loaded at Winchester school, when he was only twelve years old, immediately after the death of his grandfather; a choice of time which seemed not so much to indicate anger against the faults of a great man, as triumph over the principles of liberty, which seemed at that time to have fallen for ever. He gave a genuine proof of respect for freedom of thought, by preventing the expulsion from Holland of Bayle, (with whom he differs in every moral, political, and, it may be truly added, religious opinion,) when, it must be owned, the right of asylum was, in strict justice, forfeited by the secret services which the philosopher had rendered to the enemy of Holland and of Europe. In the small part of his short life, which premature infirmities allowed him to apply to public affairs, he co-operated zealously with the friends of freedom; but, as became a moral philosopher, he supported, even against them, a law to allow those who were accused of treason to make their defence by counsel, although the parties, first to benefit from this act of imperfect justice were conspirators to assassinate King William, and to re-enslave their country. On that occasion it is well known with what admirable quickness he took advantage of the embarrassment which seized him when he rose to address the House of Commons. 'If I,' said he, 'who rise only to give my opinion on this bill, am so confounded that I cannot say what I intended, what must the condition of that man be, who, without assistance, is pleading for his own life!' He was the friend of Lord Somers; and the tribute paid to his personal character by Warburton, who knew many of his contemporaries and some of his friends, may be considered as evidence of its excellence.

"His fine genius and generous spirit shine through his writings; but their lustre is often dimmed by peculiarities, and, it must be said, by affectations, which, originating in

local, temporary, or even personal circumstances, are particularly fatal to the permanence of fame. There is often a charm in the egotism of an artless writer or of an actor in great scenes; but other laws are imposed on the literary artist. Lord Shaftesbury, instead of hiding himself behind his work, stands forward, with too frequent marks of self-complacency, as a nobleman of polished manners, with a mind adorned by the fine arts, and instructed by ancient philosophy; shrinking with a somewhat effeminate fastidiousness from the clamour and prejudices of the multitude, whom he neither deigns to conciliate nor puts forth his strength to subdue. The enmity of the majority of churchmen to the government established at the Revolution was calculated to fill his mind with angry feelings; which overflow too often, if not upon Christianity itself, yet upon representations of it, closely intertwined with those religious feelings to which, in other forms, his own philosophy ascribes surpassing worth. His small and occasional writings, of which the main fault is the want of an object or a plan, have many passages remarkable for the utmost beauty and harmony of language. Had he imbibed the simplicity as well as copied the expression and cadence of the greater ancients, he would have done more justice to his genius; and his works, like theirs, would have been preserved by that quality, without which but a very few writings, of whatever mental power, have long survived their writers. Grace belongs only to natural movements; and Lord Shaftesbury, notwithstanding the frequent beauty of his thoughts and language, has rarely attained it. He is unfortunately prone to pleasantry, which is obstinately averse from constraint, and which he had no interest in raising to be the test of truth. His affectation of liveliness as a man of the world tempts him sometimes to overstep the indistinct boundaries which separate familiarity from vulgarity. Of his two more considerable writings, the *Moralists*, on which he evidently most valued himself, and which is spoken of by Leibnitz with enthusiasm, is by no means the happiest; yet perhaps there is scarcely any composition in our language more lofty in its moral and religious sentiments, and more exquisitely elegant and musical in its diction, than the Platonic representation of the scale of beauty and love in the speech to Palemon near the close of the first part. Many passages might be quoted, which, in some measure, justify the enthusiasm of the septuagenarian geometer. Yet it is not to be concealed that, as a whole, it is heavy and languid. It is a modern antique. The Dialogues of Plato are often very lively representations of conversations which might take place daily at a great university, full, like Athens, of rival professors and eager disciples, — between men of various character, and great fame as well as ability. Socrates runs through them all. His great abilities, his still more venerable virtues, his cruel fate, especially when joined to his very characteristic peculiarities, — to his grave humour, to his homely sense, to his assumed humility, to the honest slyness with which he ensnared the Sophists, and to the intrepidity with which he dragged them to justice, gave unity and dramatic interest to these dialogues as a whole. But Lord Shaftesbury's dialogue is between fictitious personages, and in a tone at utter variance with English conversation. He had great power of thought and command over words. But he had no talent for inventing character and bestowing life on it. The *Enquiry concerning Virtue* is nearly exempt from the faulty peculiarities of the author; the method is perfect, the reasoning just, the style precise and clear. The writer has no purpose but that of honestly proving his principles; he himself altogether disappears; and he is intent only on earnestly enforcing what he truly, conscientiously, and reasonably believes. Hence the charm of simplicity is re-

vived in this production, which is unquestionably entitled to a place in the first rank of English tracts on moral philosophy.

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LEIBNITZ.— "There is a singular contrast between the form of Leibnitz's writings and the character of his mind. The latter was systematical, even to excess. It was the vice of his prodigious intellect, on every subject of science where it was not bound by geometrical chains, to confine his view to those most general principles, so well called by Bacon 'merely notional;' which render it, indeed, easy to build a system, but only because they may be alike adapted to every state of appearances, and become thereby really inapplicable to any. Though his genius was thus naturally turned to system, his writings were, generally, occasional and miscellaneous. The fragments of his doctrines are scattered in Reviews; or over a voluminous Literary Correspondence; or in the Prefaces and Introductions to those compilations to which this great philosopher was obliged by his situation to descend. This defective and disorderly mode of publication arose partly from the jars between business and study, inevitable in his course of life; but probably yet more from the nature of his system, which, while it widely deviates from the most general principles of former philosophers, is ready to embrace their particular doctrines under its own generalities, and thus to reconcile them to each other, as well as to accommodate itself to popular or established opinions, and compromise with them, according to his favourite and oft-repeated maxim, '*that most received doctrines are capable of a good sense;*' by which last words our philosopher meant, a sense reconcilable with his own principles. Partial and occasional exhibitions of these principles suited better that constant negotiation with opinions, establishments, and prejudices, to which extreme generalities are well adapted, than a full and methodical statement of the whole at once. It is the lot of every philosopher who attempts to make his principles extremely flexible, that they become like those tools which bend so easily as to penetrate nothing. Yet his manner of publication perhaps led him to those wide intuitions, as comprehensive as those of Bacon, of which he expressed the result as briefly and pithily as Hobbes. The fragment which contains his ethical principles is the preface to a collection of documents illustrative of international law, published at Hanover in 1693; to which he often referred as his standard afterwards, especially when he speaks of Lord Shaftesbury, or of the controversy between the two great theologians of France. 'Right,' says he, 'is moral power: obligation moral necessity. By *moral*, I understood what with a good man prevails as much as if it were physical. A good man is he who loves all men as far as reason allows.'

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BERKELEY.—"This great metaphysician was so little a moralist, that it requires the attraction of his name to excuse its introduction here. His *Theory of Vision* contains a great discovery in mental philosophy. His immaterialism is chiefly valuable as a touchstone of metaphysical sagacity; showing those to be altogether without it, who, like Johnson and Beattie, believed that his speculations were sceptical; that they implied any distrust in the senses, or that they had the smallest tendency to disturb reasoning or alter conduct. Ancient learning, exact science, polished society, modern literature, and the fine arts, contributed to adorn and enrich the mind of this accomplished man. All his contemporaries agreed with the satirist in ascribing

'To Berkeley every virtue under heaven.'

Adverse factions and hostile wits concurred only in loving, admiring, and contributing

to advance him. The severe sense of Swift endured his visions; the modest Addison endeavoured to reconcile Clarke to his ambitious speculations. His character converted the satire of Pope into fervid praise. Even the discerning, fastidious, and turbulent Atterbury said, after an interview with him, 'So much understanding, so much knowledge, so much innocence, and such humility, I did not think had been the portion of any but angels, till I saw this gentleman.' Lord Bathurst told me, that the members of the Scriblerus Club being met at his house at dinner, they agreed to rally Berkeley, who was also his guest, on his scheme at Bermudas; Berkeley, having listened to the many lively things they had to say, begged to be heard in his turn, and displayed his plan with such an astonishing and animating force of eloquence and enthusiasm, that they were struck dumb, and, after some pause, rose all up together, with earnestness exclaiming, 'Let us set out with him immediately.'* It was when thus beloved and celebrated, that he conceived, at the age of forty-five, the design of devoting his life to reclaim and convert the natives of North America; and he employed as much influence and solicitation as common men do for their most prized objects, in obtaining leave to resign his dignities and revenues, to quit his accomplished and affectionate friends, and to bury himself in what must have seemed an intellectual desert. After four years' residence at Newport in Rhode Island, he was compelled, by the refusal of government to furnish him with funds for his college, to forego his work of heroic, or rather godlike, benevolence; though not without some consoling forethought of the fortune of the country where he had sojourned.

'Westward the course of empire takes its way,
The first four acts already past,
A fifth shall close the drama with the day,
TIME'S NOBLEST OFFSPRING IS ITS LAST.'

'Thus disappointed in his ambition of keeping a school for savage children, at a salary of a hundred pounds by the year, he was received, on his return, with open arms by the philosophical queen, at whose metaphysical parties he made one with Sherlock, who, as well as Smallridge, was his supporter, and with Hoadley, who, following Clarke, was his antagonist. By her influence he was made Bishop of Cloyne. It is one of his highest boasts, that though of English extraction, he was a true Irishman, and the first eminent protestant, after the unhappy contest at the Revolution, who avowed his love for all his countrymen. He asked, 'Whether their habitations and furniture were not more sordid than those of the savage Americans? *Whether a scheme for the welfare of this nation should not take in the whole inhabitants?* and *whether it was a vain attempt to project the flourishing of our protestant gentry, exclusive of the bulk of the natives?*' He proceeds to promote the reformation suggested in this pregnant question by a series of queries, intimating, with the utmost skill and address, every reason that proves the necessity, and the safety, and the wisest mode of adopting his suggestion. He contributed, by a truly Christian address to the Roman Catholics of his diocese; to their perfect quiet, during the rebellion of 1745; and soon after published a letter to the clergy of that persuasion, beseeching them to inculcate industry among their flocks, for which he received their thanks. He tells them that it was a saying among the negro slaves, '*If negro were not negro, Irishman would be negro.*' It is difficult to read these proofs of benevolence and foresight without emotion, at the moment when, after a lapse of near a century, his suggestions have been at length, at the close of a struggle of

* Warton on Pope.

twenty-five years, adopted, by the admission of the whole Irish nation to the privileges of the British constitution. The patriotism of Berkeley was not, like that of Swift, tainted by disappointed ambition; nor was it, like Swift's, confined to a colony of English protestants. Perhaps the *querist* contains more hints, then original, still unapplied in legislation and political economy, than are to be found in any equal space. From the writings of his advanced years, when he chose a medical tract to be the vehicle of his philosophical reflections, though it cannot be said that he relinquished his early opinions, it is at least apparent that his mind had received a new bent, and was habitually turned from reasoning towards contemplation. His immaterialism, indeed, modestly appears, but only to purify and elevate our thoughts, and to fix them on mind, the paramount and primeval principle of all things. 'Perhaps,' says he, 'the truth about innate ideas may be, that there are properly no ideas or passive objects in the mind but what are derived from sense, but that there are also, besides these, her own acts and operations: such are notions;' a statement which seems once more to admit *general conceptions*, and which might have served, as well as the parallel passage of Leibnitz, as the basis of the modern philosophy of Germany. From these compositions of his old age, he appears then to have recurred with fondness to Plato and the later Platonists; writers, from whose mere reasonings an intellect so acute could hardly hope for an argumentative satisfaction of all its difficulties, and whom he probably rather studied as a means of inuring his mind to objects beyond the visible diurnal sphere, and of attaching it, through frequent meditation, to that perfect and transcendent goodness, to which his moral feelings always pointed, and which they incessantly strove to grasp. His mind, enlarging as it rose, at length receives every theist, however imperfect his belief, to a communion in its philosophical piety. 'Truth,' he beautifully concludes, 'is the cry of all, but the game of a few. Certainly, where it is the chief passion, it does not give way to vulgar cares, nor is it contented with a little ardour in the early time of life; active, perhaps, to pursue, but not so fit to weigh and revise. He that would make a real progress in knowledge, must dedicate his age as well as youth, the later growth as well as first fruits, at the altar of truth.' So did Berkeley, and such were almost his latest words."

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HUME. — "The life of Mr. Hume, written by himself, is remarkable above most, if not all writings, of that sort, for hitting the degree of interest between coldness and egotism which becomes a modest man in speaking of his private history. Few writers, whose opinions were so obnoxious, have more perfectly escaped every personal imputation. Very few men of so calm a character have been so warmly beloved. That he approached to the character of a perfectly good and wise man is an affectionate exaggeration, for which his friend Dr. Smith, in the first moments of his sorrow, may well be excused. But such a praise can never be earned without passing through either of the extremes of fortune; without standing the test of temptations, dangers, and sacrifices. It may be said with truth, that the private character of Mr. Hume exhibited all the virtues which a man of reputable station, under a mild government, in the quiet times of a civilised country, has often the opportunity to practise. He showed no want of the qualities which fit men for more severe trials. Though others had warmer affections, no man was a kinder relation, a more unwearied friend, or more free from meanness and malice. His character was so simple, that he did not even affect modesty; but neither his friendships nor his deportment were changed by a fame which filled all Europe. His good nature, his plain manners, and his active

kindness, procured him at Paris the enviable name of *the good David*, from a society not so alive to goodness as without reason to place it at the head of the qualities of a celebrated man. His whole character is faithfully and touchingly represented in the story of La Roche, where Mr. Mackenzie, without concealing Mr. Hume's opinions, brings him into contact with scenes of tender piety, and yet preserves the interest inspired by genuine and unalloyed, though moderated, feelings and affections. The amiable and venerable patriarch of Scottish literature was averse from the opinions of the philosopher on whom he has composed this best panegyric. He tells us that he read the manuscript to Dr. Smith, who declared he did not find a syllable to object to; but added, with his characteristic absence of mind, that he was surprised he had never heard of the anecdote before. So lively was the delineation, thus sanctioned by the most natural of all testimonies. Mr. Mackenzie indulges his own religious feelings by modestly intimating that Dr. Smith's answer seemed to justify the last words of the tale, 'that there were moments when the philosopher recalled to his mind the venerable figure of the good La Roche, and wished that he had never doubted.' To those who are strangers to the seductions of paradox, to the intoxication of fame, and to the bewitchment of prohibited opinions, it must be unaccountable, that he who revered benevolence should, without apparent regret, cease to see it on the throne of the universe. It is a matter of wonder that his habitual esteem for every fragment and shadow of moral excellence should not lead him to envy those who contemplated its perfection in that living and paternal character which gives it a power over the human heart.

"On the other hand, if we had no experience of the power of opposite opinions in producing irreconcilable animosities, we might have hoped that those who retained such high privileges would have looked with more compassion than dislike on a virtuous man who had lost them. In such cases it is too little remembered that repugnance to hypocrisy, and impatience of long concealment, are the qualities of the best formed minds; and that, if the publication of some doctrines proves often painful and mischievous, the habitual suppression of opinion is injurious to reason, and very dangerous to sincerity. Practical questions thus arise, so difficult and perplexing, that their determination generally depends on the boldness or timidity of the individual, — on his tenderness for the feeling of the good, or his greater reverence for the free exercise of reason. The time is not yet come when the noble maxim of Plato, 'that every soul is *unwillingly* deprived of truth,' will be practically and heartily applied by men to the honest opponents who differ from them most widely.

"In his twenty-seventh year he published at London the *Treatise of Human Nature*, the first systematic attack on all the principles of knowledge and belief, and the most formidable, if universal scepticism could ever be more than a mere exercise of ingenuity. This memorable work was reviewed in a journal of that time, in a criticism not distinguished by ability, which affects to represent the style of a very clear writer as unintelligible — sometimes from a purpose to insult, but oftener from sheer dulness — which is unaccountably silent respecting the consequences of a sceptical system, and which concludes with a prophecy so much at variance with the general tone of the article, that it would seem to be added by a different hand. 'It bears incontestable marks of a great capacity, of a soaring genius, but young, and not yet thoroughly practised. Time and use may ripen these qualities in the author, and we shall probably have reason to consider this, compared with his later productions, in the same light as we view the juvenile works of Milton, or the first manner of Raphael.'

"The great speculator did not, in this work, amuse himself, like Bayle, with dialectical exercises, which only inspire a disposition towards doubt, by showing in detail the uncertainty of most opinions. He aimed at proving, not that nothing was known, but that nothing could be known, from the structure of the understanding to demonstrate that we are doomed for ever to dwell in absolute and universal ignorance. It is true that such a system of universal scepticism can never be more than an intellectual amusement, an exercise of subtilty; of which the only use is to check dogmatism, but which perhaps oftener provokes and produces that much more common evil. As those dictates of experience which regulate conduct must be the objects of belief, all objections which attack them in common with the principles of reasoning must be utterly ineffectual. Whatever attacks every principle of belief can destroy none. As long as the foundations of knowledge are allowed to remain on the same level (be it called of certainty or uncertainty) with the maxims of life, the whole system of human conviction must continue undisturbed. When the sceptic boasts of having involved the results of experience and the elements of geometry in the same ruin with the doctrines of religion and the principles of philosophy, he may be answered that no dogmatist ever claimed more than the same degree of certainty for these various convictions and opinions; and that his scepticism, therefore, leaves them in the relative condition in which it found them. No man knew better, or owned more frankly, than Mr. Hume, that to this answer there is no serious reply. Universal scepticism involves a contradiction in terms. *It is a belief that there can be no belief.* It is an attempt of the mind to act without its structure, and by other laws than those to which its nature has subjected its operations. To reason without assenting to the principles on which reasoning is founded, is not unlike an effort to feel without nerves, or to move without muscles. *No man can be allowed to be an opponent in reasoning who does not set out with admitting all the principles, without the admission of which it is impossible to reason.* It is, indeed, a puerile, nay, in the eye of wisdom, a childish, play, to attempt either to establish or to confute principles by argument, which every step of that argument must pre-suppose. The only difference between the two cases is, that he who tries to prove them can do so only by first taking them for granted; and that he who attempts to impugn them falls at the very first step into a contradiction from which he never can rise."

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Dugald Stewart.—"Manifold are the discouragements rising up at every step in that part of this Dissertation which extends to very recent times. No sooner does the writer escape from the angry disputes of the living, than he may feel his mind clouded by the name of a departed friend. But there are, happily, men whose fame is brightened by free discussion, and to whose memory an appearance of belief that they needed tender treatment would be a grosser injury than it would suffer from a respectable antagonist.

"Dugald Stewart was the son of Dr. Matthew Stewart, Professor of Mathematics in the University of Edinburgh; a station immediately before filled by Maclaurin, on the recommendation of Newton. Hence the poet spoke of 'the philosophic sire and son.' He was educated at Edinburgh, and he heard the lectures of Reid, at Glasgow. He was early associated with his father in the duties of the Mathematical Professorship; and during the absence of Dr. Adam Ferguson as secretary to the Commissioners sent to conclude a peace with North America, he occupied the chair of Natural Philosophy. He was

appointed to the Professorship on the resignation of Ferguson, not the least distinguished among the modern moralists inclined to the Stoical school.

"This office, filled in immediate succession by Ferguson, Stewart, and Brown, received a lustre from their names, which it owed in no degree to its modest exterior or its limited advantages; and was rendered by them the highest dignity in the humble but not obscure establishments of Scottish literature. The lectures of Mr. Stewart, for a quarter of a century, rendered it famous through every country where the light of reason was allowed to penetrate. Perhaps few men ever lived who poured into the breasts of youth a more fervid and yet reasonable love of liberty, of truth, and of virtue. How many are still alive, in different countries, and in every rank to which education reaches, who, if they accurately examined their own minds and lives, would not ascribe much of whatever goodness and happiness they possess, to the early impressions of his gentle and persuasive eloquence! He lived to see his disciples distinguished among the lights and ornaments of the council and the senate. He had the consolation to be sure that no words of his promoted the growth of an impure taste, of an exclusive prejudice, of a malevolent passion. Without derogation from his writings, it may be said that his disciples were among his best works. He, indeed, who may justly be said to have cultivated an extent of mind which would otherwise have lain barren, and to have contributed to raise virtuous dispositions where the natural growth might have been useless or noxious, is not less a benefactor of mankind, and may *indirectly* be a larger contributor to knowledge, than the author of great works, or even the discoverer of important truths. The system of conveying scientific instruction to a large audience by lectures, from which the English universities have in a great measure departed, renders his qualities as a lecturer a most important part of his merit in a Scottish university which still adheres to the general method of European education. Probably no modern ever exceeded him in that species of eloquence which springs from sensibility to literary beauty and moral excellence; which neither obscures science by prodigal ornament, nor disturbs the serenity of patient attention; but, though it rather calms and soothes the feelings, yet exalts the genius, and insensibly inspires a reasonable enthusiasm for whatever is good and fair."

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"Few writers rise with more grace from a plain ground-work to the passages which require greater animation or embellishment. He gives to narrative, according to the precept of Bacon, the colour of the time, by a selection of happy expressions from original writers. Among the secret arts by which he diffuses elegance over his diction may be remarked the skill which, by deepening or brightening a shade in a secondary term, by opening partial or preparatory glimpses of a thought to be afterwards unfolded, unobservedly heightens the import of a word, and gives it a new meaning, without any offence against old use. It is in this manner that philosophical originality may be reconciled to purity and stability of speech, that we may avoid new terms, which are the easy resource of the unskilful or the indolent, and often a characteristic mark of writers who love their language too little to feel its peculiar excellences, or to study the art of calling forth its powers.

"He reminds us not unfrequently of the character given by Cicero to one of his contemporaries, 'who expressed refined and abstruse thought in soft and transparent diction.' His writings are a proof that the mild sentiments have their eloquence as well as the vehement passions. It would be difficult to name works in which so

much refined philosophy is joined with so fine a fancy,—so much elegant literature with such a delicate perception of the distinguishing excellences of great writers, and with an estimate in general so just, of the services rendered to knowledge by a succession of philosophers. They are pervaded by a philosophical benevolence, which keeps up the ardour of his genius, without disturbing the serenity of his mind, which is felt in his reverence for knowledge, in the generosity of his praise, and in the tenderness of his censure. It is still more sensible in the general tone with which he relates the successful progress of the human understanding among many formidable enemies. Those readers are not to be envied who limit their admiration to particular parts, or to excellences merely literary, without being warmed by the glow of that honest triumph in the advancement of knowledge, and of that assured faith in the final prevalence of truth and justice, which breathe through every page of them, and give the unity and dignity of a moral purpose to the whole of these classical works."

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"He has often quoted poetical passages, of which some throw much light on our mental operations. If he sometimes prized the moral common-places of Thomson, and the speculative fancy of Akenside, more highly than the higher poetry of their betters, it was not to be wondered at that the metaphysician and the moralist should sometimes prevail over the lover of poetry. This natural sensibility was perhaps occasionally cramped by the cold criticism of an unpoetical age; and some of his remarks may be thought to indicate a more constant and exclusive regard to diction than is agreeable to the men of a generation who have been trained by tremendous events to a passion for daring inventions, and to an irregular enthusiasm, impatient of minute elegancies and refinement. Many of those beauties which his generous criticism delighted to magnify in the works of his contemporaries have already faded under the scorching rays of a fiercer sun."

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Jeremy Bentham.—"The general scheme of this dissertation would be a sufficient reason for omitting the name of a living writer. The devoted attachment and invincible repugnance which an impartial estimate of Mr. Bentham has to encounter on either side, are a strong inducement not to deviate from that scheme in his case. But the most brief sketch of ethical controversy in England would be imperfect without it; and perhaps the utter hopelessness of any expedient for satisfying his followers, or softening his opponents, may enable a writer to look steadily and solely at what he believes to be the dictates of truth and justice. He who has spoken of former philosophers with unreserved freedom, ought, perhaps, to subject his courage and honesty to the severest test, by an attempt to characterise such a contemporary. Should the very few who are at once enlightened and unbiassed be of opinion that his firmness and equity have stood this trial, they will be the more disposed to trust his fairness where the exercise of that quality is more easy.

"The disciples of Mr. Bentham are more like the hearers of an Athenian philosopher than the pupils of a modern professor, or the cool proselytes of a modern writer. They are in general men of competent age, of superior understanding, who voluntarily embrace the laborious study of useful and noble sciences; who derive their opinions not so much from the cold perusal of his writings, as from familiar converse with a master from whose lips these opinions are recommended by simplicity, disinterestedness, originality, and vivacity; aided rather than impeded by foibles not unamiable,

enforced of late by the growing authority of years and of fame, and at all times strengthened by that undoubting reliance on his own judgment, which mightily increases the ascendant of such a man over those who approach him. As he and they deserve the credit of leaving vulgar prejudices, so they must be content to incur the imputation of falling into the neighbouring vices of seeking distinction by singularity; of clinging to opinions because they are obnoxious; of wantonly wounding the most respectable feelings of mankind; of regarding an immense display of method and nomenclature as a sure token of a corresponding increase of knowledge; and of considering themselves as a chosen few, whom an initiation into the most secret mysteries of philosophy entitles to look down with pity, if not contempt, on the profane multitude. Viewed with aversion or dread by the public, they become more bound to each other and to their master; while they are provoked into the use of language which more and more exasperates opposition to them. A hermit in the greatest of cities, seeing only his disciples, and indignant that systems of government and law which he believes to be perfect are disregarded at once by the many and the powerful, Mr. Bentham has at length been betrayed into the most unphilosophical hypothesis, that all the ruling bodies who guide the community have conspired to stifle and defeat his discoveries. He is too little acquainted with doubts to believe the honest doubts of others, and he is too angry to make allowance for their prejudices and habits. He has embraced the most extreme party in practical politics; manifesting more dislike and contempt towards those who are more moderate supporters of popular principles, than towards their most inflexible opponents. To the unpopularity of his philosophical and political doctrines he has added the more general and lasting obloquy which arises from an unseemly treatment of doctrines and principles which, if there were no other motives for reverential deference, even a regard to the feelings of the best men requires to be approached with decorum and respect."

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"The style of Mr. Bentham underwent a more remarkable revolution than perhaps befell that of any other celebrated writer. In his early works, it was clear, free, spirited, often and seasonably eloquent. Many passages of his later writings retain the inimitable stamp of genius; but he seems to have been oppressed by the vastness of his projected works, — to have thought that he had no longer more than leisure to preserve the heads of them, — to have been impelled by a fruitful mind to new plans before he had completed the old. In this state of things, he gradually ceased to use words for conveying his thoughts to others, but merely employed them as a short-hand to preserve his meaning for his own purpose. It was no wonder that his language should thus become obscure and repulsive. Though many of his technical terms are in themselves exact and pithy, yet the overflow of his vast nomenclature was enough to darken his whole diction."

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This work has been praised by persons the most conversant with mental and moral philosophy. It may be said that there is some want of dominant purpose and pervading order, — that the opinions of writers in the process of time and controversy are passed in review without a pervading methodical record of their respective approaches, deviations, or advances in their pursuit of truth and science. A person of more dogmatism or deci-

sion in his opinions would doubtless escape this censure. He would refer to his own sect or system as the standard at every step. Sir James Mackintosh, impartial, indifferent, and judicial in his temper and views, had the advantage of not being biassed — the disadvantage, perhaps, of not being guided — by any such standard. A note by Sir James, nearly at its close (due regard being had to the moderation with which he speaks of himself), will give the best idea of him as an enquirer after speculative truth: —

"To Mr. Coleridge, who distrusts his own power of building a bridge by which his ideas may pass into a mind so differently trained as mine, I venture to suggest, with that sense of his genius which no circumstance has hindered me from seizing every fit occasion to manifest, that more of my early years were employed in contemplations of an abstract nature than of those of the majority of his readers; that there are not even now many of them less likely to be repelled from doctrines by singularity or uncouthness; more willing to allow that every system has caught an advantageous glimpse of some side or corner of the truth; more desirous of exhibiting this dispersion of the fragments of wisdom, by attempts to translate the doctrine of one school into the language of another, — who, when he cannot discover a reason for an opinion, considers it as important to discover the causes of its adoption by the philosopher; believing, in the most unfavourable cases, that one of the most arduous and useful researches of mental philosophy is to explore the subtle illusions which enable great minds to satisfy themselves by mere words, before they deceive others by payment in the same counterfeit coin. These habits, together with the natural influence of my age and avocations, lead me to suspect that in speculative philosophy I am nearer to indifference than to an exclusive spirit. I hope that it can neither be thought presumptuous nor offensive in me to doubt, whether the circumstance of its being found difficult to convey a metaphysical doctrine to a person who, at one part of his life, made such studies his chief pursuit, may not imply either error in the opinion, or defect in the mode of communication."

His memoir of Sir Thomas More is an episode from the reign of Henry VIII., expanded into one of the most pleasing pieces of biography in the English language. Those who have not read it cannot truly appreciate that amiable philosopher — the Socrates of Christianity in a barbarous age. A mistaken notion seems to prevail respecting his History of England in the Cabinet Cyclopædia: it is regarded as a compendium. The close type, and compact form of publication, disguise the copious and elaborate variety of research and observation which those volumes contain. Sir James himself encouraged the opinion. In the advertisement to the first volume, he says, —

"The object at which I have aimed is to lay before the reader a summary of the most memorable events in English history, in regular succession, together with an exposition of the nature and progress of our political institutions clear enough for

educated and thinking men, with as little reasoning or reflection as the latter part of the object to which I have just adverted will allow, and with no more than that occasional particularity which may be needed to characterise an age or nation; to lay open the workings of the minds who have guided those of their fellow-men, and, most of all, to strengthen the moral sentiments by the exercise of them on the personages conspicuous in history."

If this was his aim, he executed much more than he designed. The simple truth is, that he could not, however disposed, produce an abridgment. It was a distinctive trait of his mind, that he could not control the effusion of his reading and reflections. It is unnecessary to notice particularly a work so well known. The reign and character of the Conqueror; the time, the troubles, and the character of Becket; the epoch, the achievements, and the atrocities of Henry VIII., are pieces of historic composition very seldom equalled in the English language. A few brief extracts may be advisable, in illustration of this opinion. The following passages are taken from his characters of William the Conqueror, Henry VII., and Henry VIII.: —

WILLIAM THE CONQUEROR.—"It cannot be doubted that William surpassed all his contemporary rulers in a capacity for command, in war certainly, and probably also in peace. Sagacity, circumspection, foresight, courage, both in forming plans and facing dangers, insight into character, ascendant over men's minds; all these qualities he doubtless possessed in a very high degree. All that can be said in extenuation of his perfidy and cruelty is, that he did not so far exceed chiefs of that age in these detestable qualities as he unquestionably surpassed them in ability and vigour. It may be added, that if he had lived in a better age, when his competitors, as well as himself, would have been subject to equal restraints, he would have retained his superiority over them by the force of his mental powers and endowments. It is also true, that contests with lawless and barbarous enemies, to which a man is stimulated by fierce and burning ambition, are the most severe tests of human conduct. The root of the evil is the liability of the mind to that intractable and irresistible frenzy."—

"Two legal revolutions, of very unequal importance and magnitude, occurred or were completed in the reign of the Conqueror: the separation of the ecclesiastical from the civil judicature, and the introduction, or consummation, of the feudal system. Justice was chiefly administered among the Anglo-Saxons in the county, or rather hundred courts, of which the bishop and alderman, or earl, were joint judges; and where the thanes were bound to do suit and service, probably to countenance the judgment and strengthen the authority of the court. The most commendable part of William's policy was his conduct to the Pope; towards whom he acted with gratitude, but with independence. He enforced the ecclesiastical laws against simony and the concubinage of the clergy. He restored, as we have seen, the donation of Peter's pence; but he rejected, with some indignation, the demand of homage made by Hildebrand (Gregory VII.), then elated with the impunity and acquiescence which seemed to attend his pretensions to domineer over sovereigns. He seems to have introduced the frequent practice of appeals to Rome in ecclesiastical causes; without which,

indeed, the patriarchal jurisdiction of the Roman see was useless. But he separated the ecclesiastical jurisdiction from the civil, by forbidding bishops to hold pleas in county or hundred courts; and limited their power to causes of a spiritual nature in their own tribunals. The language of this writing, and probably its immediate effect, were favourable to clerical independence. Its ultimate tendency, however, was to set free the civil judge from the ascendency of the more learned ecclesiastic, and to place the inferiority of a spiritual court in a more conspicuous light, by rendering it dependent for coercive authority in every instance on an appeal to the secular arm. It seems to be probable, that without such a change the bishop must have at last wholly governed the earl, and the spiritual power would have been deemed as much entitled to a coercive authority as the civil power must needs be.

"It is certain that the system of government and landed property, commonly known throughout Europe as the feudal system, subsisted in England from the reign of the Conqueror. It is now as clearly established, that this system did not arise on the first conquest of the western empire. It is improbable that so peculiar a system should have been suddenly and completely introduced into a country. Yet there were many circumstances attendant on the Norman invasion which soften the unlikelihood even of such an introduction. The most reasonable supposition, therefore, seems to be, that it was gradually prepared in the Anglo-Saxon times, and finished by the Norman invaders."

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HENRY VII.—"Henry, who had enjoyed sound health during his life, was, at the age of fifty-two, attacked by a consumption, which, early in the distemper, he deemed likely to prove fatal. He died on the 22d day of April, 1509, in the twenty-fourth year of a troublesome but prosperous reign, in his palace at Richmond, which he had himself built. He was interred in that beautiful chapel at Westminster which bears his name, and which is a noble monument of the architectural genius of his age. He was pacific, though valiant; and magnificent in public works, though penurious to an unkingly excess in ordinary expenditure. The commendation bestowed on him, that 'he was not cruel when secure,' cannot be justified otherwise than as the general colour of his character, nor without exceptions, which would allow a dangerous latitude to the care of personal safety. His sagacity and fortitude were conspicuous, but his penetrating mind was narrow; and in his wary temper firmness did not approach the borders of magnanimity. Though skilled in arms, he had no spirit of enterprise.

"No generosity lent lustre to his purposes; no tenderness softened his rigid nature. We hear nothing of any appearance of affection, but that towards his mother; which it would be unnatural to treat as deserving praise, and which in him savoured more of austere duty than of an easy, delightful, and almost universal sentiment. His good qualities were useful, but low: his vices were mean; and no personage in history of so much understanding and courage is so near being despised. He was a man of shrewd discernment, but of a mean spirit, and a contracted mind. His love of peace, if it had flowed from a purer source, would justly merit the highest praise, as one of the most important virtues of a ruler; but in Henry it is deeply tinged by the mere preference of craft to force, which characterises his whole policy. In a word, he had no dispositions for which he could be admired or loved as a man. But he was not without some of the most essential of those qualities which preserve a ruler from contempt, and, in general, best secure him against peril: activity, perseverance, foresight, vigilance,

boldness both martial and civil, conjoined with a wariness seldom blended with the more active qualities, eminently distinguished his unamiable but commanding character.

" His religion, as far as we are informed, never calmed an angry passion, nor withheld him from a profitable wrong. He seems to have shown it chiefly in the superstitious fears which haunted his death-bed, when he made a feeble attempt to make amends for irreparable rapine by restoring what he could no longer enjoy, and struggled to hurry through the formalities of a compromise with the justice of Heaven for his misdeeds." —

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HENRY VIII.—" Henry alone, it may be hoped, was capable of commanding his slaves to murder, on the scaffold, her whom he had lately cherished and adored, for whom he had braved the opinion of Europe, and in maintenance of whose honour he had spilt the purest blood of England, after she had produced one child who could lisp his name with tenderness, and when she was recovering from the languor and paleness of the unrequited pangs of a more sorrowful and fruitless childbirth. The last circumstance, which would have melted most beings in human form, is said to have peculiarly heightened his aversion. Such a deed is hardly capable of being aggravated by the considerations that, if she was seduced before marriage, he had corrupted her; and if she was unfaithful at last, the edge of the sword that smote her was sharpened by his impatience to make her bed empty for another woman. In a word, it may be truly said that Henry, as if he had intended to levy war against every various sort of natural virtue, proclaimed, by the executions of More and of Anne, that he henceforward bade defiance to compassion, affection, and veneration. A man without a good quality would, perhaps, be in the condition of a monster in the physical world, where distortion and deformity in every organ seem to be incompatible with life. But, in these two direful deeds, Henry, perhaps, approached as nearly to the ideal standard of perfect wickedness as the infirmities of human nature will allow."

The death of David Rizzio may be added :—

" The Earl of Lennox was indignant that the influence of his son should be eclipsed by the favour of Rizzio. Darnley himself betrayed symptoms of being goaded by passions more clamorous and rancorous than political jealousy. Lennox advised him to sacrifice his antipathies, and to seek the means of revenge in a coalition with the Protestant lords. Darnley, accordingly, on the 10th of February, sent Douglas, his uncle, to Lord Ruthven, to complain that Rizzio had abused the King in many sorts, and done him wrongs which could no longer be borne. Ruthven, fearful that the blandishments of the Queen might extort secrets from her simpleton husband, refused to answer. 'It is a sore case,' said Darnley, 'that I can get no help against this villain David.' — 'It is your own fault,' replied Douglas; 'you cannot keep a secret.' Then the King swore on the Gospel that he would not betray Ruthven."

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" Darnley conducted Ruthven and other assassins through his private staircase, by the use of his own key, into a small room where the Queen was at supper with Rizzio, her natural sister, the Countess of Argyle, and some other favourites. Ruthven rose from a sick bed, to which he had been for three months confined by a painful, and, as it soon proved, a mortal illness. He was now in armour; though he could only come into the apartment by the support of two men. The paleness of his haggard coun-

tenance, sometimes flushed by guilty passions, formed a gloomy contrast with the glare of his helmet. Rizzio had his cap on his head as Ruthven entered; and Darnley hung on the queen's chair with his hand round her waist. That unhappy lady was in the sixth month of her pregnancy by her contemptible husband. Ruthven called to her, —'Let Rizzio leave this privy chamber, where he has been too long.'—'It is my will he should be here,' said the Queen.—'It is against your honour,' answered Darnley.—'What hath he done?' said the Queen.—'He hath offended your honour,' replied Ruthven, 'in such a manner as I dare not speak of.' The Queen rose up; and David ran behind her, laying hold of the plaits of her gown. Ruthven lifted up the Queen, and placed her in the arms of Darnley, who disengaged Rizzio's hands from the hold which he had taken of her garments. Several persons here rushed in, and overset the table with the supper and lights. Rizzio was pushed out to the antechamber, at the front of which he fell under fifty-five wounds, in one of which Darnley's dagger was found, whether employed by himself or by one of his accomplices is neither certain nor important. Ruthven is said to have aimed a stab at the victim over the Queen's head. He seated himself, and called for a cup of wine, which drew a spirited reproof of his familiarity from Mary. He appealed to his illness as an excuse. Though worked up by the contemplation of a crime into a ruffianly paroxysm of distempered vigour, he speedily relapsed into the feebleness incident to his malady. He expired about two months afterwards. He left behind him a narrative of his crime, written in a tone of undisturbed impartiality; and it does not appear that his last moments betrayed a glimpse of natural compunction.

"During the tumult, the Queen remained for a long time in the closet, interceding for her favourite, who was, probably, then dead. She asked her husband how he could be the author of so foul an act. The recrimination was too coarse for historical relation. 'It was,' he said, 'as much for your honour as for my own satisfaction.' * * * * * * * After this offensive conversation she sent one of her ladies to learn the fate of Rizzio. The lady quickly returned with tidings that she had seen him dead. The Queen, with a spirit that never forsook her, said, 'No more tears; I must think of revenge.' She wiped her eyes, and was never seen to lament the murdered man."

This narrative has a merit which Sir James rarely attained or studied. It is dramatic and picturesque. The subject had already been treated by Sir Walter Scott, in his History of Scotland, published in the Cabinet Cyclopædia. Sir James, doubtless, was animated by rivalry. A comparison of the respective passages will hardly leave a doubt that he proved himself, for once, superior in his own domain to that great master of the scenic and graphic in character and situation.

The literary career of Sir James Mackintosh may be closed here. Among the distinctions conferred upon him as a man of letters was the honorary degree of LL.D. by the University of Oxford. It is, perhaps, an anti-climax to add, that he was twice elected Lord Rector of the University of Glasgow.

Lord Grey and the Whigs came into office in November, 1830, and Sir James Mackintosh, already a Privy Counsellor, was appointed a Commis-

sioner for the Affairs of India. He still took but little part in the proceedings of Parliament. His first speech since his appointment to office was in support of the second reading of the Reform Bill, on the 4th of July, 1831.

Sir James Mackintosh now returned, or was borne back, to the principles of the Vindiciæ Gallicæ, and of his youth, after forty years' renunciation of them. It was understood, that he relapsed into his early creed, not from experience, conviction, the force of popular opinion, or the spirit of the time, but from being bound in the wake of the administration. This is not improbable. It is not in the decline of life that men enlarge their views of popular privilege, and catch the fearless spirit of democracy; and opinions once entertained and renounced are regarded ever after with something like disgust. The Prime Minister, it may be said, returned unforced, in his advanced age, to the principles of his youth. But it is doubted whether even he, with the force, decision, and fearlessness of his character, would have hazarded the Reform Bill without the influence and impulse of a younger member of his cabinet and his family. The speech of Sir James Mackintosh was one of the ablest spoken on either side of the question in the House of Commons; it yet failed to excite or impress the House — and from, among other causes, its superior ability. No question was ever discussed in Parliament with so little frankness. There was an under-current of motives, which could not be avowed on either side. Clever turns, allusions *ad captandum*, party hits, and personalities were, on this occasion, the great staple of oratory. The speech of Sir James Mackintosh was not of that kind; it was distinguished by the eloquence of knowledge, reason, and philosophy: it was not a speech to make the boroughmongers wince, or flatter the reform ministry. Moreover, he was not the champion of a principle, embarked with all the force and ardour of his faculties and feelings in a cause; he spoke rather like a sage counsellor, urging concession to a claimant become at last too importunate and powerful to be denied. The following extracts will give an idea of a speech, interesting not only from the capacity with which it treats a subject of the highest importance, but as that which closed the career of one of the few who have reached the eloquence of Parliament, properly so called, in his time. It has the further advantage of having been revised, if not written, by him for the press:—

"The test which distinguishes property from trust is simple and easily applied. Property exists for the benefit of the proprietor; political power exists only for the service of the state. Property is, indeed, the most useful of all human institutions. It is so,

because the power of every man to do what he will with his own is beneficial and essential to human society. A trustee is legally answerable for the abuse of his power; a proprietor is not amenable to law for any misuse of his property, unless it should involve a direct violation of the rights of other men. It is for this violation only, not at all the misuse of his proprietory right, considered merely as such, that he can be justly answerable to human laws. It is true that every man is answerable to God and his own conscience for a bad use of property. It may be immoral in the highest degree. But the existence of property would be destroyed if any human authority could control the master in his disposal of that which the law has subjected to his exclusive power. It is said, that property is trust; and so it may, in figurative language, be called. It is a moral trust, but not a legal trust. In the present argument we have to deal only with legal trusts. The confusion of trust with property misled the Stuarts so far that they thought the kingdom their property. They were undeceived by the Revolution, which taught us, that no man can have a property in other men. It has, therefore, decided the question before us. Every voter has, by the force of the term, a share in the nomination of lawgivers. He has, thus far, a part in the government; and all government is a trust. Otherwise, if the voter, as such, were a proprietor, he must have a property in his fellow-citizens, who are governed by laws of which he has a share in naming the makers. I have only to add, on this subject, that if the doctrine of property be admitted, all reform is for ever precluded. Even the enfranchisement of new boroughs or districts must be renounced, for every addition diminishes the value of the previous suffrage; and it is no more lawful to lessen the value of property than to take property from the proprietor. Unless I am grossly deceived, there never was a more groundless cry than that of corporation robbery. Of all doctrines which threaten the principle of property, none more dangerous was ever promulgated than that which confounds it with political privilege. None of the disciples of St. Simon, or of the followers of the ingenious and benevolent Owen, have struck so deadly a blow at property as those who would reduce it to the level of the elective rights of Gatton and Old Sarum. Property, the nourisher of mankind, the incentive of industry, the cement of human society, will be in a perilous condition if the people be taught to identify it with political abuses, and to deal with it as being involved in their impending fate. Let us not teach the spoilers of future times to represent the resumption of a right of suffrage as a precedent for the seizure of lands and possessions. The two acts have nothing in common. It is as full of danger as it is of absurdity, to confound such distinct, and, in many respects, contrary notions. They cannot be likened to each other with any show of reason, and without the utmost derogation from the sanctity of property. Much is said in praise of nomination, which is now called 'the most unexceptionable part of our representation.' To nomination, it seems, we owe the talents of our young members; the prudence and experience of the more aged. It supplies the colonies and dependencies of this great empire with virtual representation in this House. By it, commercial and funded property finds skilful advocates and intrepid defenders. The whole of these happy consequences is ascribed to that gross and flagrant system of breaches of law, which are now called the practice of the English constitution. I never had, and have not now, any objection to the admission of representatives for the colonies into this House on fair and just conditions. I cannot conceive that a bill which is objectionable, as raising the commercial interest at the expense of the landed, will also lessen the safeguards of their property. Considering the well-known and most remarkable subdivision of funded income (the most minutely

divided of any mass of property), I do not believe that any representatives, or even any constituents, could be ultimately disposed to do themselves so great an injury as to invade it. The chain which connects together all classes of the community is sufficient to lead men at once respectable and opulent into this House. Men of genius, and men of experience, have found their way into this House through nomination, or through worse means, through any channel that was open. The same classes of candidates will direct their ambition and their efforts to the channels opened by the present bill; they will soon attain their end by varying their means. A list has been read to us of illustrious men who found an introduction to Parliament, or a refuge from an unmerited loss of popularity, in decayed boroughs. What does such a catalogue prove, but that England, for the last sixty years, has been a country full of ability, of knowledge, of intellectual activity, of honourable ambition, and that a large portion of these qualities has flowed into the House of Commons? Might not the same dazzling common-places have been opposed to the abolition of the court of Star Chamber? 'What!' it might have said, 'will you, in your frantic rage of innovation, demolish the tribunal in which Sir Thomas More, the best of men, and Lord Bacon, the greatest of philosophers, presided; where Sir Edward Coke, the oracle of law; where Burleigh and Walsingham, the most revered of English statesmen, sat as judges; which Bacon, enlightened by philosophy and experience, called the peculiar glory of our legislation, which, alone, had established "a Court of Criminal Equity?" Will you, in your paroxysms of audacious frenzy, abolish this prætorian tribunal, this sole instrument for bridling popular incendiaries? Will you dare to persevere in your wild purpose, at a moment when Scotland is agitated by a rebellious league and covenant; when Ireland is threatened with insurrection and massacre? Will you surrender the shield of the crown, the only formidable arm of prerogative, at a time when his Majesty's authority is openly defied in the capital where we are assembled?' I cannot, indeed, recollect a single instance in that long course of reformation, which constitutes the history of the English constitution, where the same plausible arguments, and the same exciting topics, might not have been employed against the reform, which are now pointed against the present measure."

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"But it appears to be taken for granted that concession to a people is always more dangerous to public quiet than resistance. Is there any pretence for such a doctrine? Does it receive any support from the testimony of history? I appeal to history as a vast magazine of facts, leading to the very opposite conclusion; of facts, which teach that this fatal principle has overthrown thrones and dismembered empires; proving that late reformation, dilatory reformation, reformation refused at the critical moment, which may pass for ever in the twinkling of an eye, has been the most frequent cause of the convulsions which have shaken states, and for a time burst asunder the bonds of society; sometimes laying open a ground on which liberty may be built, but sometimes also preparing a community for taking refuge in a sterner despotism than that from which they escaped. Allow me very briefly to advert to the earliest revolution of modern times. Was it by concession that Philip II. lost the Netherlands? Had he granted timely and equitable concessions, had he not plotted the destruction of the ancient privileges of these flourishing provinces, under pretence that all popular privilege was repugnant to just authority, would he not have continued the master of that fair and affluent portion of Europe? Did Charles I. lose his throne and his life by concession? Is it not notorious, that if, before losing the confidence of the

Parliament and people, (after that loss all his expedients of policy were vain, as in such a case all policy is unavailing), he had adhered to the petition of right, to which he gave his royal assent; if he had forborne from the prosecution of the Puritans; if he had refrained from levying money without a grant from Parliament; he would, in all human probability, have reigned prosperously to the last day of his life? If there be any man who doubts it, his doubts will be easily removed without pursuing his studies farther than the first volume of Lord Clarendon's history. Did the British parliament lose North America by concession? Is not the loss of that great empire solely to be ascribed to the obstinate resistance of this House to every conciliatory proposition, then supported by their own greatest men, and humbly tendered in the loyal petitions of the colonies, until America was driven into the arms of France, and the door was for ever closed against all hopes of re-union? Had we yielded to the latest prayer of the Americans, it is hard to say how long the two British nations might have held together; the separation, if absolutely necessary, might have been effected on quiet and friendly terms. Whatever may be thought of recent events, of which it is yet too early to form a final judgment, the history of their origin and progress would of itself be enough to show the wisdom of those early reformations, which, as Mr. Burke says, 'are accommodations with a friend in power,' and corroborates the general testimony of experience, that nations have more frequently owed their fall to obstinacy, than to a facility of yielding. I feel some curiosity to know how many of the principled, consistent, inflexible, and hitherto unyielding opponents of the bill will continue to refuse to make a declaration in favour of any reform, till the last moment of this discussion. Although I differ from them very widely in opinion, I know how to estimate their fidelity towards each other, their general fairness to others, their steadiness and firmness under circumstances of a discouraging and disheartening nature, calculated to sow distrust and disunion in a political party. What I dread and deprecate in their system is, that they offer no option but reform or coercion. Let any man seriously consider what is the full import of this last tremendous word; restrictions will be first laid on the people, which will be assuredly productive of new discontents, provoking an incensed government to measures still more rigorous. Discontent will rankle into disaffection, disaffection will break out into revolt, which supposing the most favourable termination, will not be quelled without spilling the blood of our countrymen; and at last leaving them full of hatred for their rulers, and watching for the favourable opportunity of renewing their attack. It is needless to consider the consequences of a still more disastrous and irreparable termination of the contest. It is enough for me to say that the long continuance of such wretched scuffles between the government and the people is absolutely incompatible with the English constitution. The constitution may perish in spite of reform: but it cannot stand under a succession of such cruel conflicts. Those who offer me this option would reduce me to the necessity of embracing reform, even if I thought worse of its probable effects than I think it reasonable to do; I wish gentlemen to consider that there is nothing certain in such contests but their course of blood. Darkness hangs over the event. Is there nothing in the temper, in the opinions, in the circumstances of all European nations, which renders the success of popular principles probable? Inaction may be at such a crisis the most dangerous policy; and surely a bold measure is peculiarly warrantable where the policy of leaving events to themselves seems to be fraught with peril."

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"Of a distant futurity I know nothing; and I am, therefore, altogether unfitted to

make laws for it. Posterity may rightly measure their own wants, and their capacity — we cannot; the utmost that we can aspire to is to remove elements of discord from their path. But within the very limited horizon to which the view of politicians can reach, I have already offered some reasons why I expect that a measure of concession, made in a spirit of unsuspecting confidence, may inspire the like sentiments; and I believe that the majority of the people may acquiesce in a grant of privileges so extensive, that every man may hope to earn it, given to a constituent body, who must always agree with the obvious and palpable interest, the decisive judgment, and the warm desire of the whole. After all, is it not obvious that the people already possess that power from their numbers, of which the exercise is dreaded? It is ours, indeed, to decide whether they are to exert their force in the market-place, in the street, in the field, or in discussion and debate in this House. If we somewhat increase their legal privileges, we must also, in some measure, abate their supposed disposition to use it ill. Their exasperation out of doors appears to me more dangerous than their influence within. Here they may examine questions with a calm eye; and many of them will surely not be unwilling to listen to reason. To predict such danger from the admission within the pale of the constitution now proposed is, in truth, an avowal that the situation of this country is desperate. On the great proprietors, much of the grace, of the generous character, of the conciliatory effect of this measure, must certainly depend. But it cannot ultimately depend upon a single class, whether such a bill shall pass. If they be deluded and inflamed by tales of intimidation and of riot; if they are so much misled as to doubt whether, if the fullest allowance were made for all that can be ascribed to these causes, it would amount to a visible deduction from the national unanimity; if they do not perceive that there is no more dissent from the national doctrine than is necessary to show the liberty of publishing opinion — whenever or wherever they act on these great errors they may abate the healing efficacy of a great share of conciliation and improvement; but they cannot prevent its final adoption. Above all other considerations I should dare to advise these great proprietors to cast from them those reasonings which would involve property in the approaching downfall of political abuse. If they assent to the doctrine that political privilege is property, they must be prepared for the inevitable consequence that it is no more unlawful to violate property than to resume a delegated trust. The suppression of dependent boroughs is at hand. It will be the truest wisdom of the great proprietors, the natural guardians of the principle of property, to maintain, to inculcate, to enforce the essential distinction between it and political trust, if they be desirous not to arm the spoilers whom they dread with arguments which they can never consistently answer."

The fate of the first Reform Bill is well known. When the measure was reproduced, Sir James spoke only on the bill for Scotland. Some observations upon it in committee, on the 4th of October, were the last made by him in the House of Commons.

His time was now divided between the business of the India Board and the composition of his History of England. The state of his health was delicate and uncertain during the winter of 1831-2. The proximate cause, however, of his last illness was accidental. About the middle of March

he experienced at dinner a sudden difficulty of deglutition and respiration. A morsel of the flesh of a boiled chicken which he was eating was supposed to remain in his throat. Upon the calling in of surgical aid it was pronounced that this obstruction did not exist, and he continued in the same suffering state for some days. After further consultation, an emetic was prescribed, and the obstruction, consisting of a morsel of the chicken, with a small portion of thin bone, was removed. This accident wholly deranged his health, already delicate. It was caused probably, in the first instance, by the want of muscular tone. His condition, however, so far improved as to allow of his taking carriage airings. Presuming too much upon his returning health, he, in one instance, remained out too long, and his state became worse. His debility increased, with pains in the head and limbs. These pains gave way to brain fever and delirium. His condition became hopeless. He fell into a state of insensibility, which continued to his death on the 30th of May.

The death of Sir James Mackintosh was the subject of deep and universal regret. In literature, in politics, and in social life, he was one of the leading intelligences of his country. Though of advanced age, much was still expected from him, and his career seemed prematurely closed. He assuredly deserved his high reputation, but yet the world or the public has rarely been so liberal. He was estimated by what he promised, rather than by what he achieved. Constitutionally indolent, and condemned to pass, under a distant enervating sun, seven years of that precious stage of life and intellect which combines vigorous manhood with mature experience, he has left only sketches and fragments to sustain the pretensions of a first-rate publicist, philosopher, critic, and historian. As a living interpreter and authority in questions of public law, which were so frequently raised after the fall of the French empire, Gentz alone disputed with him the first place in European opinion. That writer soon became the hireling gazetteer of despotism, dwindled into an aulic counsellor at Vienna, and left his rival an undisputed supremacy. What remains of Sir James Mackintosh, as a jurist, to justify his contemporaries to posterity? His Introductory Discourse, the opinions and principles delivered by him in Parliament, and a note in the third volume of his History of England. The Introductory Discourse is a comprehensive and able sketch, — a splendid promise, — but still no more than a promise and a sketch. Of his parliamentary speeches on matters involving the public law of Europe, but one may be regarded as an authentic publication, — that which he spoke on presenting the London petition for the recognition of the South American

States. It was published by himself. But in this and his other speeches he rather cites and relies on received authorities, than promulgates any original opinion or principle of his own. He has left, at least in print, no systematic treatise; and the most diligent and discerning student of his speeches would find it difficult to extract and embody from them a consistent and uniform compendium of public law. Yet the applications of the public law of Europe, and of the opinions of standard jurists in his speeches, are, perhaps, more interesting and effective than they are in the pages from which he cites, or they would be in an abstract treatise by himself. They are brought to bear upon current history at a remarkable period, with the aids and legitimate artifices of oratory in defence of the independence and liberty of nations, the security of the weak against the strong, the rights of the oppressed against the oppressor. But, after all, of what avail are the most eloquent and conclusive pleadings on a matter of public right in a state paper or a speech? In disputed constructions of the law of nations armies are the interpreters, and the fortune of war decides.

He has left but two cases of adjudication on his own authority: those of Mary Queen of Scots, and Napoleon, in the following note*, to which reference has been already made: —

"About 250 years after Mary had crossed the Solway, another case of exception from ordinary rules arose in England, opposite to hers in moral circumstances, yet resembling it in the dry skeleton of legal theory.

"Napoleon Bonaparte, probably the most extraordinary man who has appeared in the world since Julius Cæsar, whom he surpassed in genius for war as much as he and all other warriors must yield to the great dictator in the arts and attainments of peace, having raised himself to the sovereignty of Europe by his commanding faculties, when he was hurled from that eminence by his insolent contempt for mankind, sought for refuge in the ships and territories of the only nation who had successfully defied his power. When he applied with that view to the commander of a British ship of war, he was answered, as Mary had been by the governor of Carlisle, that an officer had no authority to promise more than an hospitable reception in his own ship. The course of events obliged Mary to rush into shelter before the answer of Mr. Lowther arrived. Napoleon was compelled to take refuge in the ship, before any answer could be obtained from a competent authority. Both affected to act voluntarily, though they were alike driven by necessity to the first open asylum. Neither of them was born an English subject, nor had committed any offence within the jurisdiction of England; consequently, neither of them was amenable to English law. Neither of them could be justly considered as at war with England; though on that part of the subject, some technical but unsubstantial obstacles might be opposed to Napoleon, which could not be urged against Mary. The imprisonment of neither was conformable to the law of

* Hist. of Eng. vol. iii. p. 121. Cab. Cyc.

England or the law of nations. But the liberty of Mary was deemed to be at variance with the safety of the English government, as the enlargement of Napoleon was thought to be with the independence of nations, and with the repose for which Europe sighed after a long bloodshed. The imprisonment, though in neither case warranted by the rules of municipal or international law, was in both justified by that necessity from which these rules have sprung, and without which no violence can rightfully be done to a human being.

"Agreeably to this view of the matter, the detention of Napoleon was legalised by an act of the British Parliament. By the bare passing of such act, it was tacitly assumed, that the antecedent detention was without warrant of law. This evident truth is more fully admitted by the language of the statute, which, in assigning the reason for passing it, alleges, that 'it is necessary for the preservation of the tranquillity of Europe, and for the general safety, that Napoleon Bonaparte should be detained and kept in custody;' and it is still more explicitly declared, by a specific enactment which pronounces, that he 'shall be deemed and taken to be, and shall be treated and dealt with as, a prisoner of war;' a distinct admission that he was not so in contemplation of law, until the statute had imposed that character upon him."

This note is interesting, not only as the solemn judgment of Sir James Mackintosh in two memorable cases, but as illustrative of his mind. He expressed his opinions in the House of Commons, for the most part, with frankness and decision. It could not be otherwise in a popular assembly and in the shock of debate. But, writing in his cabinet, he sometimes conveyed his ideas on controverted matters in language so indecisive, contradictory, qualified, or vague, as to leave his conclusions and his judgment as doubtful as the case itself. For instance, in the foregoing note he lays it down as his premise, that the liberty of Mary was *deemed* to be *at variance* with the safety of the English government, &c., and in the next sentence he says, "the imprisonment, though in neither case warranted by the rules of municipal or international law, was in both justified by that *necessity* from which these rules have sprung." Here the phrase, "to be at variance," must be received in the sense of absolute incompatibility, in order to bring the case within that "*necessity*" which is the middle term between his premise and his conclusion. But it will hardly be conceded that the two phrases are synonymous; and in the text which follows he reasons indirectly against the judgment given in the note, until he reaches the following inference: —

"Whoever with calmness reviews these melancholy portions of history, after temporary passions have subsided, will find it impossible to repress a wish that no exceptions from the rules of moral and even of legal justice towards individuals may hereafter be countenanced by historians or moralists."*

* How much more frank and precise is the language of Mr. Fox! "The danger," says he, speaking of this justification on the principle of self-defence, "must be not problematical and remote, but evident and immediate."— *Frag. Hist. Reign James II.*

What warrant, it may be asked, had Sir James to give those "exceptions" that countenance, as an historian and moralist, which he interdicts to the historians and moralists who may come after him? This peculiarity, in the mind of Sir James Mackintosh, which may be traced in such of his writings as he published with his name, has been ascribed to the calm impartiality, the judicial impassiveness of temper, the comprehensive view and careful examination of the grounds and reasons on both sides, with which he approached the decision of every question. There is in this much truth. But clear views, strong convictions, strong sentiments even, in matters not of reasoning, conclusions arrived at as demonstrative, will not capitulate with any adverse doubts, arguments, or authorities. The man whose principles are deep rooted will not be easily brought to distrust them: the man whose perceptions are clear and strong will choose his language, not for its reserve or prudence, but for its decision or force.

As an historian, he sometimes thought too much of discoursing, and too little of narrating. Instead of relating events and circumstances, he takes them up as subjects of disquisition. He is luminous and copious, but diffuse and only not irrelevant. He rarely characterises persons, actions, or events by brief, rapid, or passing traits, like those of Tacitus, Montesquieu, Voltaire, and Gibbon. It is certain that truth may be forgotten or sacrificed for epigram and the sententious; but it is equally certain that such touches of the pencil in the hands of a master, whether on canvass or on paper, are pledges of fidelity to the particular subject, and to nature. He indulges somewhat in vagrant digression: he pursues and illustrates, with a certain disregard of the order of time, or place, or matter, any topic of fact or speculation which starts before him. There is, in consequence, some want of method, and of what is called keeping; or, if a more precise term may be borrowed from the vocabulary of our neighbours, a want of co-ordinance in his writings, whether historical or speculative. It has been said of him, by one who knew him well, personally and in his works, that as a writer of commentaries upon history he would have been admirable, and in his place. It is not easy to characterise his style, from its want of a distinctive individualising physiognomy. He speaks often with contemptuous aversion of "sophists and rhetors." His own great aim was frankness and simplicity. He, however, did not always or steadily attain, or perhaps had not perfectly mastered and made his own, those rare and difficult graces of composition. His constructions of language are sometimes embarrassed and prolix; and his efforts to be simple might sometimes be mistaken for carelessness. He studiously avoided the gallicisms so common in Burke,

and from which Hume is not free: he rigorously preferred the Anglican or Saxon term before the synonyme of classic derivation — to the narrowing of his vocabulary and fettering of his diction. There are in his writings those inequalities of superior talent from which mediocrity is exempt, but which indicate that his ideas occasionally were not clear or that his mind was fatigued. In fine, it would be easy to cite from him examples of faulty composition, and masterpieces of English style.

In his writings and speeches he indulged too liberally in praise of the living. Panegyric is of delicate and difficult execution. It is received with a disposition to detect the want of sincerity or discernment, and a certain exquisite good taste is the essential grace of eulogy. Sir James sometimes exaggerated, diverged, and even descended; but his praise was always frank, generous, friendly, disinterested, and if indiscriminate, only from excess of good nature. He was sometimes induced, by good feeling or friendship, to give the sanction of his praise to mediocrity, and lend himself to exaggerated reputation. Madame de Staël had what the Parisians called her *proneurs*, in every capital of Europe, from Rome to Stockholm. The immoderate eulogies of Sir James Mackintosh, in the Edinburgh Review and in society, contributed to the fashionable rage which her theatric character, melodramatic eloquence, and spurious Germanisms, excited in London. He yet had not what may be called the style of compliment. His praise of individuals or their works was conveyed in simple, ingenuous, unmeasured, general terms, not in those pointed, characterising, and portable phrases which are repeated and remembered. But, indulgent to others, he was severe to himself. He descended to no artifices, resorted to no coterie, for any purposes of profit or fame. He did not seek to increase his popular celebrity at the cost of his better reputation.

He was not formed by nature or by discipline, in person or in faculty, for an accomplished orator. His person and gestures were robust and graceless, but without awkwardness or embarrassment. His countenance was strongly marked, without flexibility or force of expression. His voice was monotonous and untunable at all times; and when he became energetic or rather unguarded, a provincial enunciation impaired the correctness, and vulgarised the dignity, of his vocabulary and style. The monotony of his gestures fatigued the eye, the monotony of his enunciation jarred upon the ear. He seemed never to have thought of forming himself to the exterior of an orator. His mannerisms were those of rude, undisciplined nature, and unconscious, inveterate habit. His arm rose and fell, — his bust vibrated

backwards and forwards, — up and down, — with no other change than the greater or less momentum. He wanted the oratorical temperament. He was vehement without passion, humane without pathos: he took comprehensive and noble views without imagination or fancy. For a vigorous dialectician he was too diffuse. He did not employ either the artifices of rhetoric or the forms of logic; the syllogism like Canning, or the dilemma like Brougham. He was sometimes too erudite and abstracted for a popular assembly. The knowledge of which his own mind was full, and which overflowed from it, though not irrelevant to the subject, was sometimes unfelt by an auditory less informed than himself; and his speculative reasonings, though not too ingeniously refined, were so prolonged and philosophical as not to be always followed.

He loved to quote from the Roman classics, both in verse and prose, and quoted sometimes with felicity. But his successes were rare, compared with the frequency of his experiments, which, indeed, was such as to suggest the idea of ostentation and research. Canning, who knew the classics with greater familiarity, and a more congenial taste, was much more sparing, and incomparably more happy. Grattan, also, well acquainted with the languages and remains of Greece and Rome, rarely employed the ornament or artifice of poetical quotation. His scholarship, however, was tributary to his eloquence. He translated or parodied the classics to his purpose.* Fox, whose mind was so deeply imbued with the ancient classics, appropriated their beauties in the same way. His oratorical movements may sometimes be traced to admired passages in the Greek dramatists. But if the classic quotations of Sir James Mackintosh were too profuse and far sought to be always pointed, — if they sometimes descended to hackneyed erudition, as in his repeated use of *nec meus hic sermo*, — they were often

* He was actuated probably by an adherence to the Demosthenic model. There are, in two of his speeches, free translations of an admired passage in Virgil, which, as oratorical movements, are inferior, yet comparable, to the famous oath which Demosthenes appropriated, in the same manner, from an old Greek dramatist. The following is the passage from Virgil: —

Excudent alii spirantia mollius æra,
Credo equidem: vivos ducent de marmore vultus;
Orabunt causas melius: cœlique meatus
Describent radio, et surgentia sidera dicent:
Tu regere imperio populos, Romane, memento:
(Hæ tibi erunt artes) pacisque imponere morem;
Parcere subjectis et debellare superbos.

"Our duties," says Grattan in the Irish Parliament, "are of a different nature — to watch with incessant vigils the cradle of the constitution — to rear an infant state, to protect a rising trade, to foster a growing people." Addressing the Imperial Parliament in support of the Catholic claims, in 1819, he says, — "In the arts that grace mankind other nations excelled you — they sung better — they danced better; but in stating courageous truths, — in breaking political or metaphysical chains, — here were your robust accomplishments."

happy, effective, and applauded. With the many disadvantages of his action and enunciation, and the fewer vices of his cast of mind and style of eloquence, his faults and deficiencies were redeemed by an accent so sincere, information so extensive, so utter an oblivion of self, in his zeal for truth and his cause, humanity so redundant allied with passionless wisdom, such an union of superior talent with knowledge and meditation, that though some speakers were more popular performers, and others were heard with more of electric sympathy, not one commanded more attention and respect.

Conversation was a talent in the last century. It has become an art. No one would now be tolerated who made private society an arena for displaying the vigour and expertness of his faculties, and the extent of his acquirements. Conversation has ceased to be an exhibition of intellectual gladiatorship or declamatory power. It is regarded as a proper occasion for displaying only the lighter graces and accomplishments, — wit, fancy, knowledge of the world, a sense of the humorous and ridiculous, in social manners or individual character. It is become essentially an art in which, more than in any other, perfection and success depend upon its concealing itself. Few arts are, therefore, more difficult; and Sir James Mackintosh had the reputation of a master in it. He was rich and various without being ambitious or prolix. He had known many eminent or remarkable persons in public life, literary and political, of whom he related anecdotes and traits of character with facility and à-propos. He avoided long speeches in the form of dissertation or narrative, which, however clever, are sure either to fatigue attention or to provoke self-love, by encroaching upon that tone of conventional equality, social and intellectual, in company, which is one of the improvements of the age. His conversation was not laboured or ostentatious, whilst it displayed, or rather implied, the powers of a superior mind; and, though undistinguished by brilliant wit or vivacity, was enlivened and relieved by a certain quiet pleasantry, sly humour, and innoxious malice, which became a manly and vigorous exercise of sarcastic power in his speeches. Some pretended memoranda of his conversation have been printed in an American periodical work. He is made to say, "Homer is the finest ballad writer in any language."* Sir James Mackintosh, like most Scotchmen, had an imperfect education in Greek. He must, however, have known enough of Greek and of Homer, as well as of epic poetry and of ballads, to avoid an absurdity so outrageous. The

* The person who thus chose to make Homer a ballad writer had, doubtless, heard something of the foolish paradox that the several books of the Homeric poems were unconnected rhapsodies, recited through the cities of Greece.

reported conversations, on the whole, would grievously let down Sir James Mackintosh. They are not those of a man whose success was unquestionable in the most fastidious and intellectual society of the British capital.

But what are these fugitive successes of society and conversation to the sacrifices of time and thought which he must have made to them? It was a melancholy weakness to have frittered away those precious hours which might be devoted in solitude to the proper labours of a man of letters, who was capable of leaving imperishable monuments of his capacity behind him. If any thing could compensate this abuse of his faculties, it is the impression, far beyond the circles in which he moved, of his engaging social character, joined with his eminent talents, and many virtues.

Sir James Mackintosh died at his house in London, on the 30th of May, and was buried in the parish church of Hampstead, on the 4th of June, 1832.

HISTORY

OF

THE REVOLUTION.

CHAPTER I.

GENERAL STATE OF AFFAIRS AT HOME — ABROAD. — CHARACTERS OF THE MINISTRY. — SUNDERLAND. — ROCHESTER. — HALIFAX. — GODOLPHIN. — JEFFREYS. — FEVERSHAM — HIS CONDUCT AFTER THE VICTORY OF SEDGEMOOR. — KIRKE. — JUDICIAL PROCEEDINGS IN THE WEST. — TRIALS OF MRS. LISLE. — BEHAVIOUR OF THE KING. — TRIAL OF MRS. GAUNT AND OTHERS. — CASE OF HAMPDEN. — PRIDEAUX. — LORD BRANDON. — DELAMERE.

CHAP. I. 1685.

General state of affairs at the accession of James II.

THOUGH a struggle with calamity strengthens and elevates the mind, the necessity of passive submission to long adversity is rather likely to weaken and subdue it: great misfortunes disturb the understanding perhaps as much as great success; and extraordinary vicissitudes often produce the opposite vices of rashness and fearfulness by inspiring a disposition to trust too much to fortune, and to yield to it too soon. Few men experienced more sudden changes of fortune than James II.; but it was unfortunate for his character that he never owed his prosperity, and not always his adversity, to himself. The affairs of his family seemed to be at the lowest ebb a few months before their triumphant restoration. Four years before the death of his brother, it appeared probable that he would be excluded from the succession to the crown; and his friends seemed to have no other means of averting that doom, than by proposing such limitations

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of the royal prerogative as would have reduced the government to a merely nominal monarchy. But the dissolutions by which Charles had safely and successfully punished the independence of his last parliament, the destruction of some of his most formidable opponents, and the general discouragement of their adherents, paved the way for his peaceable, and even popular, succession; the defeat of the revolts of Monmouth and Argyle appeared to have fixed his throne on immoveable foundations; and he was then placed in circumstances more favourable than those of any of his predecessors to the extension of his power, or, if such had been his purpose, to the undisturbed exercise of his constitutional authority. The friends of liberty, dispirited by events which all, in a greater or less degree, brought discredit upon their cause, were confounded with unsuccessful conspirators and defeated rebels: they seemed to be at the mercy of a prince, who, with reason, considered them as the irreconcilable enemies of his designs. The zealous partisans of monarchy believed themselves on the eve of reaping the fruits of a contest of fifty years' duration, under a monarch of mature experience, of tried personal courage, who possessed a knowledge of men, and a capacity as well as an inclination for business; whose constancy, intrepidity, and sternness were likely to establish their political principles; and from whose prudence, as well as gratitude and good faith, they were willing to hope that he would not disturb the security of their religion. The turbulence of the preceding times had more than usually disposed men of pacific temper to support an established government. The multitude, pleased with a new reign, generally disposed to admire vigour and to look with complacency on success, showed many symptoms of that propensity which is natural to them, or rather to mankind, — to carry their applauses to the side of fortune, and to imbibe the warmest passions of a victorious party. The strength of the Tories in a parliament assembled in such a temper of the nation, was aided by a numerous reinforcement of members of low condition and subservient character, whom the forfeiture of the charters of towns enabled the court to pour into

the House of Commons.[a] In Scotland the prevalent party had ruled with such barbarity that the absolute power of the king seemed to be their only shield against the resentment of their countrymen. The Irish nation, devotedly attached to a sovereign of their own oppressed religion, offered inexhaustible means of forming a brave and enthusiastic army, ready to quell revolts in every part of his dominions.

His revenue was ampler than that of any former king of England; a disciplined army of about twenty thousand men was, for the first time, established during peace in this island, and a formidable fleet was a more than ordinarily powerful weapon in the hands of a prince whose skill and valour in maritime war had endeared him to the seamen, and recommended him to the people.

Foreign affairs.

The condition of foreign affairs was equally favourable to the king. Louis XIV. had, at that moment, reached the zenith of his greatness; his army was larger and better than any which had been known in Europe since the vigorous age of the Roman empire; his marine enabled him soon after to cope with the combined forces of the two maritime powers; he had enlarged his dominions, strengthened his frontiers, and daily meditated new conquests: men of genius applauded his munificence, and even some men of virtue contributed to the glory of his reign. This potent monarch was bound to James by closer ties than those of treaty, by kindred, by religion, by similar principles of government, by the importance of each to the success of the designs of the other; and he was ready to supply the pecuniary aid required by the English monarch, on condition that James should not subject himself to the control of his parliament; but should acquiesce in the schemes of France against her neighbours. On the other hand, the feeble government of Spain was no longer able to defend her unwieldy empire; while the German branch of the

[a] "Clerks and gentlemen's servants." Evelyn, i. 558. The Earl of Bath carried fifteen of the new charters with him into Cornwall, from which he was called the Prince "Elector." "There are not 135 in this House who sat in the last," 562. By the lists in the Parliamentary History they appear to be only 128.

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Austrian family had, by their intolerance, driven Hungary into revolt, and thus opened the way for the Ottoman armies twice to besiege Vienna. Venice, the last of the Italian states which retained a national character, took no longer any part in the contests of Europe, content with the feeble lustre which conquests from Turkey shed over the evening of her greatness. The kingdoms of the north were confined within their own subordinate system; Russia was not numbered among civilised nations; the Germanic states were still divided between their fears from the ambition of France, and their attachment to her for having preserved them from the yoke of Austria. Though a powerful party in Holland were still attached to France, there remained, on the continent, no security against the ambition of Louis, no hope for the liberties of mankind but the power of that great republic, animated by the unconquerable soul of the prince of Orange. All those nations, of both religions, who trembled at the progress of France, turned their eyes towards James, and courted his alliance, in hopes that he might still be detached from his connection with Louis, and that England might resume her ancient and noble station, as the guardian of the independence of nations. Could he have varied his policy, that bright career was still open to him. He, or rather a man of genius and magnanimity in his situation, might have rivalled the renown of Elizabeth, and anticipated the glories of Marlborough. He was courted or dreaded by all Europe. Who could, then, have presumed to foretell that this great monarch, in the short space of four years, would be compelled to relinquish his throne, and to fly from his country, without struggle and almost without disturbance, by the mere result of his own system of measures, which, unwise and unrighteous as it was, seemed in every instance to be crowned with success till the very moment before its overthrow.

Ministry.

The ability of the ministers, who were consulted on the most important measures of government, might be considered as among the happy parts of his fortune. It was a little before this time that the meetings of such ministers began to be generally known by the

modern name of the cabinet council.[a] The privy council had been originally a selection of a similar nature; but when seats in that body began to be given or left to those who did not enjoy the king's confidence, and it became too numerous for secrecy or despatch, a committee of its number, which is now called the cabinet council, were intrusted with the direction of confidential affairs; leaving to the body at large business of a judicial or formal nature, to the greater part of its members an honourable distinction instead of an office of trust. The members of the cabinet council were then, as they still are, chosen from the privy council by the king, without any legal nomination, and generally consisted of the ministers at the head of the principal departments of public affairs. A short account of the character of the members of the cabinet will illustrate the events of the reign of James II.

Sunderland.

Robert Spencer, Earl of Sunderland, who soon acquired the chief ascendency in this administration, entered on public life with all the external advantages of birth and fortune. His father fell in the royal army at the battle of Newbury, with those melancholy forebodings of danger from the victory of his own party which filled the breasts of the more generous royalists, and which, on the same occasion, saddened the dying moments of Lord Falkland. His mother was Lady Dorothy Sidney, celebrated by Waller under the name of Sacharissa. He was early employed in diplomatic missions, where he acquired the political knowledge, insinuating address, and polished manners, which are learnt in that school, together with the subtlety, dissimulation, flexibility of principle, indifference on questions of constitutional policy, and impatience of the restraints of popular government, which have been sometimes contracted by English ambassadors in the course of a long intercourse with the ministers of absolute princes. A faint and superficial preference of the general principles of civil liberty was blended in a manner not altogether unusual with his diplomatic vices. He seems to have gained the support of the Duchess of

[a] North's Life of Lord Keeper Guildford, 218.

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Portsmouth to the administration formed by the advice of Sir William Temple, and to have then gained the confidence of that incomparable person, who possessed all the honest arts of a negotiator.[a] He gave an early earnest of the inconstancy of an over-refined character by fluctuating between the exclusion of the Duke of York and the limitations of the royal prerogative. He was removed from the administration for his vote on the Bill of Exclusion. The love of office soon prevailed over his feeble spirit of independence, and he made his peace with the court by the medium of the Duke of York, who had long been well disposed to him[b], and of the Duchess of Portsmouth, who found no difficulty in reconciling the king to a polished as well as pliant courtier, an accomplished negotiator, and a minister more versed in foreign affairs than any of his colleagues.[c] Negligence and profusion bound him to office by stronger though coarser ties than those of ambition: he lived in an age when a delicate purity in pecuniary matters had not begun to have a general influence on statesmen, and when a sense of personal honour, growing out of long habits of co-operation and friendship, had not yet contributed to secure them against political inconstancy. He was one of the most distinguished of a species of men who perform a part more important than noble in great events; who, by powerful talents, captivating manners, and accommodating opinions; by a quick discernment of critical moments in the rise and fall of parties; by not deserting a cause till the instant before it is universally discovered to be desperate, and by a command of expedients and connections which render them valuable to every new possessor of power, find means to cling to office or to recover it, and who, though they are the natural offspring of quiet and refinement, often creep through stormy revolutions without being crushed. Like the best and most prudent of his class, he

[a] Sir W. Temple's Memoirs, Part III.

[b] Legge's Letters, MS. "Lord Sunderland knows I have always been very kind to him." Duke of York to Mr. Legge, 23d July, 1679. Brussels.

[c] Some of Lord Sunderland's competitors in this province were not formidable. His successor, Lord Conway, when a foreign minister spoke to him of the Circles of the Empire, said, "he wondered what circles should have to do with politics."

appears not to have betrayed the secrets of the friends whom he abandoned; and never to have complied with more evil than was necessary to keep his power. His temper was without rancour; he must be acquitted of prompting, or even preferring the cruel acts which were perpetrated under his administration: deep designs and premeditated treachery were irreconcileable both with his indolence and his impetuosity; and there is some reason to believe, that in the midst of total indifference about religious opinions, he retained to the end some degree of that preference for civil liberty which he might have derived from the example of his ancestors, and the sentiments of some of his early connections.

Rochester.

Lawrence Hyde, Earl of Rochester, the younger son of the Earl of Clarendon, was Lord Sunderland's most formidable competitor for the chief direction of public affairs. He owed this importance rather to his position and connections than to his abilities, which, however, were by no means contemptible. He was the undisputed leader of the Tory party, to whose highest principles in church and state he showed a constant, and probably a conscientious attachment. He had adhered to James in every variety of fortune, and was the uncle of the Princesses Mary and Ann, who seemed likely in succession to inherit the crown. He was a fluent speaker, and appears to have possessed some part of his father's talents as a writer. He was deemed sincere and upright, and his private life was not stained by any vice, except violent paroxysms of anger, and an excessive indulgence in wine, then scarcely deemed a fault. "His infirmities," says one of the most zealous adherents of his party, "were passion, in which he would swear like a cutter, and the indulging himself in wine. But his party was that of the Church of England, of whom he had the honour, for many years, to be accounted the head."[a] The impetuosity of his temper concurred with his opinions on government in prompting him to rigorous measures. He disdained the forms and details of business, and it was his maxim to prefer only Tories, without regard to their qualifications for office. "Do you not think," said he to Lord

[a] North, 230.

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Keeper Guildford, "that I could understand any business in England in a month?" "Yes, my lord," answered the Lord Keeper, "but I believe you would understand it better in two months." Even his personal defects and unreasonable maxims were calculated to attach adherents to him as a chief, and he was well qualified to be the leader of a party ready to support all the pretensions of any king who spared the protestant establishment.

Halifax.

Sir George Saville, created Marquis of Halifax by Charles II., claims the attention of the historian rather by his brilliant genius, by the singularity of his character, and by the great part which he acted in the events which preceded and followed, than by his political importance during the short period in which he held office under James. In his youth he appears to have combined the opinions of a republican[a] with the most refined talents of a polished courtier. The fragments of his writing which remain show such poignant and easy wit, such lively sense, so much insight into character, and so delicate an observation of manners, as could hardly have been surpassed by any of his contemporaries at Versailles. His political speculations being soon found incapable of being reduced to practice, melted away in the sunshine of royal favour; the disappointment of visionary hopes led him to despair of great improvements, to despise the moderate services which an individual may render to the community, and to turn with disgust from public principles to the indulgence of his own vanity and ambition.

The dread of his powers of ridicule contributed to force him into office[b], and the attractions of his lively and somewhat libertine conversation were among the means by which he maintained his ground with Charles II., of whom it was said by Dryden, that "whatever his favourites of state might be, yet those of his affection were men of wit."[c] Though we have no remains of his

[a] "I have long looked upon Lord Halifax and Lord Essex as men who did not love monarchy, such as it is in England." Duke of York to Legge, Letter before cited.

[b] Sir William Temple. Memoirs, Part III.

[c] Dedication to King Arthur.

speeches, we cannot doubt the eloquence of him who, on the Bill of Exclusion, fought the battle of the court against so great an orator as Shaftesbury.[a] Of these various means of advancement, he availed himself for a time with little scruple and with some success. But he never obtained an importance which bore any proportion to his great abilities; a failure which, in the time of Charles II., may be in part ascribed to the remains of his opinions, but which, from its subsequent recurrence, must be still more imputed to the defects of his character. He had a stronger passion for praise than for power; and loved the display of talent more than the possession of authority. The unbridled exercise of wit exposed him to lasting animosities, and threw a shade of levity over his character. He was too acute in discovering difficulties, too ingenious in devising objections. He had too keen a perception of human weakness and folly not to find many pretexts and temptations for changing his measures and deserting his connections. The subtlety of his genius tempted him to projects too refined to be understood or supported by numerous bodies of men. His appetite for praise, when sated by the admiration of his friends, was too apt to seek a new and more stimulating gratification in the applauses of his opponents. His weaknesses and even his talents contributed to betray him into inconstancy; which, if not the worst quality of a statesman, is the most fatal to his permanent importance. For one short period, indeed, the circumstances of his situation suited the peculiarities of his genius. In the last years of Charles his refined policy found full scope in the arts of balancing factions, of occasionally leaning to the vanquished, and always tempering the triumph of the victorious party

[a] "Jotham, of piercing wit and pregnant thought,
Endued by nature and by learning taught
To move assemblies; who but only tried
The worse awhile, then chose the better side;
Nor chose alone, but turned the balance too."
Absalom and Achitophel.

Lord Halifax says, "Mr. Dryden told me that he was offered money to write against me." Fox's MSS. written, I believe, by Lord Halifax.

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by which that monarch then consulted the repose of his declining years. Perhaps he satisfied himself with the reflection, that his compliance with all the evil which was then done was necessary to enable him to save his country from the arbitrary and bigotted faction which was eager to rule it. We know from the evidence of the excellent Tillotson[a], that Lord Halifax "showed a compassionate concern for Lord Russell, and all the readiness to save him that could be wished;" and that Lord Russell desired Tillotson "to give thanks to Lord Halifax for his humanity and kindness:" and there is some reason to think that his intercession might have been successful, if the delicate honour of Lord Russell had not refused to second their exertions, by softening his language on the lawfulness of resistance,—a shade more than scrupulous sincerity would warrant.[b] He seems unintentionally to have contributed to the death of Sidney[c], by procuring a sort of confession from Monmouth, in order to reconcile him to his father, and to balance the influence of the Duke of York, by Charles's partiality for his son. The compliances and refinements of that period pursued him with, perhaps, too just a retribution during the remainder of his life. James was impatient to be rid of him who had checked his influence during the last years of his brother, and the friends of liberty could never place any lasting trust in the man who remained a member of the government which put to death Russell and Sidney.

Godolphin.

The part performed by Lord Godolphin at this time was not so considerable as to require a full account of his character. He was a gentleman of ancient family in Cornwall, distinguished by the accomplishments of some of its members, and by their sufferings in the royal cause during the civil war. He held offices at court

[a] Lords' Journals, 20th Dec. 1689. The Duchess of Portsmouth said to Lord Montague, "that if others had been as earnest as my Lord Halifax with the King Lord Russell might have been saved." Fox's MSS. Other allusions in the MSS., which I ascribe to Lord Halifax, show that his whole fault was a continuance in office after the failure of his efforts to save Lord Russell.

[b] Lord J. Russell's Life of Lord Russell, 215.

[c] Evidence of Mr. Hampden and Sir James Forbes. Lords' Journals, 20th Dec. 1689.

before he was employed in the service of the state, and he always retained the wary and conciliating manners, as well as the profuse dissipation of his original school. Though a royalist and a courtier he voted for the Bill of Exclusion. At the accession of James, he was not considered as favourable to absolute dependence on France, nor to the system of governing without parliaments. But though a member of the cabinet, he was, during the whole of this reign, rather a public officer, who confined himself to his own department, than a minister who took a part in the direction of the state.[a] The habit of continuing some officers in place under successive administrations, for the convenience of business, then extended to higher persons than it has usually comprehended in more recent times.

Jeffreys.

James had, soon after his accession, introduced into the cabinet Sir George Jeffreys, Lord Chief Justice of England[b], a person whose office did not usually lead to that station, and whose elevation to unusual honour and trust is characteristic of the government which he served. His origin was obscure, his education scanty, his acquirements no more than what his vigorous understanding gathered in the course of business, his professional practice low, and chiefly obtained from the companions of his vulgar excesses, whom he captivated by that gross buffoonery which accompanied him to the most exalted stations. But his powers of mind were extraordinary; his elocution was flowing and spirited; and, after his highest preferment, in the few instances where he preserved temper and decency, the native vigour of his intellect shone forth in his judgments, and threw a transient dignity over the coarseness of his deportment. He first attracted notice by turbulence in the petty contests of the Corporation of London; and having found a way to court through some of those who ministered to the pleasures of the King, as well as to the more ignominious of his

[a] "Milord Godolphin quoiqu'il est du secret n'a pas grand credit, et songe seulement à se conserver par une conduite sage et moderée. Je ne pense pas que s'il en étoit cru on prit des liaisons avec V. M. qui pussent aller à se passer entièrement du parliament et à rompre nettement avec le Prince d'Orange." Barillon au Roi, 15 Avril, 1685. Fox, App. lviii.

[b] Roger North, 234. (After the Northern Circuit, 1684; in our computation, 1685.)

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political intrigues, he made his value known by contributing to destroy the charter of the capital of which he had been the chief law officer. His services as a counsel in the trial of Russell, and as a judge in that of Sidney, proved still more acceptable to his masters. On the former occasion, he caused a person who had collected evidence for the defence to be turned out of court, for making private suggestions, probably important to the ends of justice, to Lady Russell, while she was engaged in her affecting duty.[a] The same brutal insolence shown in the trial of Sidney, was, perhaps, thought the more worthy of reward, because it was foiled by the calm heroism of that great man. The union of a powerful understanding with boisterous violence and the basest subserviency singularly fitted him to be the tool of a tyrant. He wanted, indeed, the aid of hypocrisy, but he was free from its restraints. He had that reputation for boldness which many men preserve, as long as they are personally safe, by violence in their counsels and in their language. If he at last feared danger, he never feared shame, which much more frequently restrains the powerful. Perhaps the unbridled fury of his temper enabled him to threaten and intimidate with more effect than a man of equal wickedness, with a cooler character. His religion, which seems to have consisted in hatred to Nonconformists, did not hinder him from profaneness: his native fierceness was daily inflamed by debauchery; his excesses were too gross and outrageous for the decency of historical relation[b], and his court was a continual scene of scurrilous invective, from which none were exempted but his superiors.

A contemporary, of amiable disposition and Tory principles, who knew him well, sums up his character in few words—"he was by nature cruel, and a slave of the court."[c]

[a] Examination of John Tisard. Lords' Journals, 20th Dec. 1690.

[b] See the account of his behaviour at a ball in the city, soon after Sidney's condemnation. Evelyn, i. 531.; and the dinner at Duncombe's, a rich citizen, where the Lord Chancellor (Jeffreys) and the Lord Treasurer (Rochester) were with difficulty prevented from appearing naked in a balcony, to drink loyal toasts (Reresby, 231.), and of his "flaming" drunkenness at the privy council, when the King was present. Roger North, 250.

[c] Evelyn, i. 579.

It was after the defeat of Monmouth that James gave free scope to his policy, and began that system of measures which characterises his reign.

Feversham.

Though Feversham was, in the common intercourse of life, a good-natured man, his victory at Sedgemoor was immediately followed by some of those acts of military license which usually disgrace the suppression of a revolt, when there is no longer any dread of retaliation; when the conqueror sees a rebel in every inhabitant, and considers destruction by the sword as only anticipating legal execution, and when he is generally well assured, if not positively instructed, that he can do nothing more acceptable to his superiors than to spread a deep impression of terror through a disaffected province. A thousand were slain in a pursuit of a small body of insurgents for a few miles. Feversham marched into Bridgewater on the morning after the battle, with a considerable number tied together like slaves, of whom twenty-two were hanged by his orders on a sign-post by the road side, and on gibbets which he caused to be erected for the occasion. One of them was a wounded officer, named Adlam, who was already in the agonies of death. Four were hanged in chains, with a deliberate imitation of the barbarities of regular law; and one miserable wretch, to whom life had been promised on condition of his keeping pace for half a mile with a horse at full speed (to whom he was fastened by a rope which went round his neck and that of the horse), was executed in spite of his performance of the feat. Feversham was proceeding thus towards disarmed enemies, to whom he had granted quarter, when Ken, the Bishop of the diocese, a zealous royalist, had the courage to rush into the midst of this military execution, calling out, "My Lord, this is murder in law. These poor wretches, now the battle is over, must be tried before they can be put to death."[a]

Conduct of the royal army after the victory at Sedgemoor, July, 1685.

The interposition of this excellent prelate, however, only suspended the cruelties of the conquerors. Feversham was called to

[a] For the principal part of the enormities of Feversham, we have the singular advantage of the testimony of two eye-witnesses,—an officer in the royal army, Kennett, iii. 432., and Oldmixon, i. 704. Locke's Western Rebellion.

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court to receive the thanks and honours due to his services. Kirke, whom he was directed[a] to leave with detachments at Bridgewater and Taunton, imitated, if he did not surpass, the lawless violence of his commander. When he entered the latter town, on the third day after the battle, he put to death at least nine of his prisoners, with so little sense of impropriety or dread of disapprobation, that they were entered by name as executed for high treason in the parish register of their interment.[b] Of the other excesses of Kirke we have no satisfactory account. The experience of like cases, however, renders the tradition not improbable, that these acts of lawless violence were accompanied by the insults and mockeries of military debauchery. The nature of the service in which the detachment was principally engaged, required more than common virtue in a commander to contain the passions of the soldiery. It was his principal duty to search for rebels. He was urged to the performance of this odious task by malicious or mercenary informers. The friendship, or compassion, or political zeal of the inhabitants, was active in favouring escapes, so that a constant and cruel struggle subsisted between the soldiers and the people abetting the fugitives.[c] Kirke's regiment, when in garrison at Tangier, had had the figure of a lamb painted on their colours as a badge of their warfare against the enemies of the Christian name. The people of Somersetshire, when they saw those who thus bore the symbols of meekness and benevolence engaged in the performance of such a task, vented the bitterness of their hearts against the soldiers, by giving them the ironical name of Kirke's Lambs.[d] The unspeakable atrocity imputed to him, of putting to death a person whose life he had

[a] Lord Sunderland's letter to Lord Feversham, 8th July, 1685. State Paper Office.

[b] Savage's edition of Toulmin's Taunton, p. 522., where, after a period of near 140 years, the authentic evidence of this fact is for the first time published, together with other important particulars of Monmouth's revolt, and of the military and judicial cruelties which followed it. These nine are by some writers swelled to nineteen, probably from confounding them with that number executed at Taunton by virtue of Jeffreys's judgments. The number of ninety mentioned on this occasion by others seems to be altogether an exaggeration.

[c] Col. Kirke to Lord Sunderland. Taunton, 12th Aug. 1685. State Paper Office.

[d] Savage.

promised to a young woman, as the price of compliance with his desires, it is due to the honour of human nature to disbelieve, until more satisfactory evidence be produced than that on which it has hitherto rested.[a] He followed the example of ministers and magistrates in selling pardons to the prisoners in his district, which, though as illegal as his executions, enabled many to escape from the barbarities which were to come.[b] Base as this traffic was, it would naturally lead him to threaten more evil than he inflicted. It deserves to be remarked, that, five years after his command at Taunton, the inhabitants of that place gave an entertainment, at the public expense, to celebrate his success.[c] This fact seems to countenance a suspicion that we ought to attribute more to the nature of the service in which he was engaged than to any pre-eminence in criminality, the peculiar odium which has fallen on his name, to the exclusion of other officers, whose excesses appear to have been greater, and are certainly more satisfactorily attested. But whatever opinion may be formed of the degree of Kirke's guilt, it is certain that he was rather countenanced than discouraged by the government. His illegal executions were early notorious in London.[d] The good Bishop Ken, who then corresponded with the King himself, on the sufferings of his diocese[e], could not fail to remonstrate against those excesses, which he had so generously interposed to prevent; and if the accounts of the remonstrances of Lord Keeper Guilford, against

[a] This story is told neither by Oldmixon nor Burnet, nor by the humble writers of the "Bloody Assizes," nor the "Quadriennium Jacobi," 1689. Echard and Kennet, who wrote long after, mention it only as a report. It first appeared in print in 1699, in Pomfret's poem of "Cruelty and Lust." The next is in the anonymous Life of William III. 1702. A story very similar is told by St. Augustine, of a Roman officer; and in the "Spectator," No. 491., of a governor of Zealand, probably from a Dutch chronicle or legend. The scene is laid by some at Taunton, by others at Exeter. The person executed is said by some to be the father, by others to be the husband, and by a third sort to be the brother of the unhappy young woman, whose name it has been found impossible to ascertain, or even plausibly to conjecture. The tradition, which is still said to prevail at Taunton, may well have originated in a publication of 120 years old.

[b] Oldmixon.

[c] Savage.

[d] Narcissus Luttrell, Diary, 15th July; six days after their occurrence.

[e] Ken's examination before the Privy Council, 1696. Biographia Britannica.

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the excesses of the west, have any foundation[a], they must have related exclusively to the enormities of the soldiery, for the Lord Keeper died at the very opening of Jeffreys's circuit. Yet, with this knowledge, Lord Sunderland instructed Kirke "to secure such of his prisoners as had not been executed, in order to trial[b]," at a time when there had been no legal proceedings, and when all the executions to which he adverts, without disapprobation, must have been contrary to law. Seven days after, Sunderland informed Kirke that his letter had been communicated to the King, "who was very well satisfied with the proceedings."[c] In subsequent despatches[d], he censures Kirke for setting some rebels at liberty (alluding, doubtless, to those who had purchased their lives); but he does not censure that officer for having put others to death. Were it not for these proofs that the King knew the acts of Kirke, and that his government officially sanctioned them, no credit would be due to the declarations afterwards made by such a man, that his severities fell short of the orders which he had received.[e] Nor is this the only circumstance which connects the government with these enormities. On the 10th of August, Kirke was ordered to come to court to give information on the state of the west. His regiment wasso on afterwards removed, and he does not appear to have been employed in the west during the remainder of that season.[f]

Colonel Trelawney succeeded; but so little was Kirke's conduct thought to be blamable, that on the 1st of September three persons were executed illegally at Taunton for rebellion, the nature and reason of their death being openly avowed in the register of their interment.[g], In military executions, however atrocious,

[a] Roger North, 260. This inaccurate writer refers the complaint to Jeffries's proceedings, which is impossible, since Lord Guilford died in Oxfordshire, on the 5th September, after a long illness. Lady Lisle was executed on the 3d; and her execution, the only one which preceded the death of the Lord Keeper, could scarcely have reached him in his dying moments.

[b] Lord Sunderland to Kirke, 14th July, 1685. State Paper Office.

[c] 21st July. Ibid. [d] 25th and 28th July, and 3d August. Ibid.

[e] Oldmixon, i. 705.

[f] Papers in the War Office. MS.

[g] Savage, 525. Register of Parish of St. Mary Magdalen:—"1 Sept., three rebels executed."

some allowance must be made for the passions of an exasperated soldiery, and for the habits of officers accustomed to summary and irregular acts, who have not been taught by experience that the ends of justice cannot be attained otherwise than by the observance of the rules of law.[a] The lawless violence of an army forms no precedent for the ordinary administration of public affairs, and the historian is bound to relate with diffidence events which are generally attended with confusion and obscurity, which are exaggerated by the just resentment of an oppressed party, and where we can seldom be guided by the authentic evidence of records. Neither the conduct of a government which approves these excesses, however, nor that of judges who imitate or surpass them, allows such extenuations or requires such caution in relating and characterising facts. The judicial proceedings which immediately followed these military atrocities may be related with more confidence, and must be treated with the utmost rigour of historical justice.

Judicial proceedings in the west. August, September.

The commencement of proceedings on the western circuit, which comprehends the whole scene of Monmouth's operations, was postponed till the other assizes were concluded, in order that four judges, who were joined with Jeffreys in the commission, might be at liberty to attend him.[b] An order was also issued to all officers in the west, "to furnish such parties of horse and foot, as might be required by the Lord Chief Justice on his circuit, for securing prisoners, and to perform that service in such manner as he should direct."[c] After these unusual and alarming preparations,

[a] Two years after the suppression of the western revolt, we find Kirke treated with favour by the King. Colonel Kirke is made housekeeper of Whitehall, in the room of his *kinsman*, deceased. Narc. Lutt., Sept. 1687. He was nearly related to, or perhaps the son of, George Kirke, groom of the bedchamber to Charles I., one of whose beautiful daughters, Mary, a maid of honour, was the Warmestre of Count Hamilton, (Notes to Mem. de Gramm. London, 1793,) and the other, Diana, was the wife of the last Earl of Oxford, of the house of De Vere. Dugd. Baron. tit. Oxford.

[b] Lord Chief Baron Montague, Levison, Watkins, and Wright, of whom the three former sat on the subsequent trials of Mr. Cornish and Mrs. Gaunt.

[c] This order was dated on the 24th August, 1685. Papers in War Office. From this circumstance originated the story, that Jeffreys had a commission as Commander-in-Chief in the west.

CHAP. I. 1685. Trial of Mrs. Lisle.

Jeffreys began his circuit at Winchester, on the 27th of August, by the trial of Mrs. Alicia Lisle, who was charged with having sheltered in her house, for one night, two fugitives from Monmouth's routed army, an office of humanity which then was and still is treated as high treason by the law of England. This lady, though unaided by counsel, so deaf that she could very imperfectly hear the evidence, and occasionally overpowered by those lethargic slumbers which are incident to advanced age, defended herself with a coolness which formed a striking contrast to the deportment of her judge.[a] The principal witness, a man who had been sent to her to implore shelter for one Hickes, and who guided him and Nelthorpe to her house, betrayed a natural repugnance to disclose facts likely to affect a life which he had innocently contributed to endanger. Jeffreys, at the suggestion of the counsel for the crown, took upon himself the examination of this unwilling witness, and conducted it with an union of artifice, menace, and invective, which no well-regulated tribunal would suffer in the advocate of a prisoner, when examining the witness produced by the accuser. With solemn appeals to Heaven for his own pure intentions, he began in the language of candour and gentleness to adjure the witness to discover all that he knew. His nature, however, often threw off this disguise, and broke out into the ribaldry and scurrility of his accustomed style. The Judge and three counsel poured in questions upon the poor rustic in rapid succession. Jeffreys said that he treasured up vengeance for such men, and added, "It is infinite mercy that for those falsehoods of thine, God does not immediately strike thee into Hell." Wearied, overawed, and overwhelmed by such an examination, the witness at length admitted some facts which afforded reason to suspect, rather than to believe, that the unfortunate lady knew the men whom she succoured to be fugitives from Monmouth's army. She said in her defence, that she knew Mr. Hickes to be a Presbyterian minister, and thought he absconded because there were warrants out against him on that account. All the precautions

[a] Howell's State Trials, xi. 298.

for concealment which were urged as proofs of her intentional breach of law were reconcilable with this defence. Orders had been issued at the beginning of the revolt to seize all "disaffected and suspicious persons, especially all nonconformist ministers[a];" and Jeffreys himself unwittingly strengthened her case by declaring his conviction, that all Presbyterians had a hand in the rebellion. He did not go through the formality of repeating so probable a defence to the jury. They however hesitated. They asked the Chief Justice, whether it were as much treason to receive Hickes before as after conviction? He told them that it was, which was literally true; but he wilfully concealed from them that by the law, such as it was, the receiver of a traitor could not be brought to trial till the principal traitor had been convicted or outlawed: a provision, indeed, so manifestly necessary to justice, that without the observance of it Hickes might be acquitted of treason after Mrs. Lisle had been executed for harbouring him as a traitor.[b] Four judges looked silently on this suppression of truth, which produced the same effect with positive falsehood, and allowed the limits of a barbarous law to be overpassed, in order to destroy an aged woman for an act of charity. The jury retired, and remained so long in deliberation, as to provoke the wrath of the Chief Justice. When they returned into court, they expressed their doubt, whether the prisoner knew that Hickes had been in Monmouth's army. The Chief Justice assured them that the proof was complete. Three times they repeated their doubt. The Chief Justice as often reiterated his declaration with growing impatience and rage. At this critical moment of the last appeal of the jury to the court, the defenceless female at the bar made an effort to speak. Jeffreys, taking advantage of formalities, instantly silenced her, and the jury were at length overawed into a verdict of guilty. He then broke out into a needless insult to the strongest affections of nature, saying to the jury, "Gentlemen, had

[a] Despatches from Lord Sunderland to all Lord-lieutenants of Counties. 20th June, 1685.
[b] Hale's Pleas of the Crown, part i. c. 22. Foster's Discourse on Accomplices, c. 1.

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I been among you, and if she had been my own mother, I should have found her guilty." On the next morning, when he had to pronounce sentence of death, he could not even then abstain from invectives against Presbyterians, of whom he supposed Mrs. Lisle to be one; yet mixing artifice with his fury, he tried to lure her into discoveries, by ambiguous phrases, which might excite her hopes of life without pledging him to obtain pardon. He directed that she should be burnt alive in the afternoon of the same day; but the clergy of the cathedral of Winchester successfully interceded for an interval of three days. This interval gave time for an application to the King, and that application was made by persons, and with circumstances, which must have strongly called his attention to the case. Mrs. Lisle was the widow of Mr. Lisle, who was one of the Judges of Charles the First; and this circumstance, which excited a prejudice against her, served in its consequences to show that she had powerful claims on the lenity of the King. Lady St. John and Lady Abergavenny wrote a letter to Lord Clarendon, then Privy Seal, which he read to the King, bearing testimony, "that she had been a favourer of the King's friends in their greatest extremities during the late civil war," among others, of these ladies themselves; and on these grounds, as well as for her general loyalty, earnestly recommending her to pardon. Her son had served in the King's army against Monmouth; she often had declared that she shed more tears than any woman in England on the day of the death of Charles the First, and after the attainder of Mr. Lisle, his estate was granted to her at the intercession of Lord Chancellor Clarendon, for her excellent conduct during the prevalence of her husband's party. Lord Feversham, also, who had been promised a thousand pounds for her pardon, used his influence to obtain it: but the King declared that he would not reprieve her for one day. It is said, that he endeavoured to justify himself, by alleging a promise to Jeffreys that Mrs. Lisle should not be spared; a fact which, if true, shows the conduct of James to have been as deliberate as it seems

to be, and that the severities of the circuit arose from a previous concert between him and Jeffreys.

On the following day the case was again brought before him by a petition from Mrs. Lisle, praying that her punishment might be changed into beheading, in consideration of her ancient and honourable descent. After a careful search for precedents, the mind of James was once more called to the fate of Mrs. Lisle by the signature of a warrant to authorise the infliction of the mitigated punishment. This venerable matron accordingly suffered death on the 2d of September, supported by that piety which had been the guide of her life. Her understanding was so undisturbed, that she clearly instanced the points in which she had been wronged. No resentment troubled the composure of her dying moments, and she carried her religious principles of allegiance and forgiveness so far, as to pray on the scaffold for the prosperity of a prince from whom she had experienced neither mercy, gratitude, nor justice.

The trial of Mrs. Lisle is a sufficient specimen of the proceedings of this circuit. When such was the conduct of the judges in a single trial of a lady of distinction for such an offence, with a jury not regardless of justice, where there was full leisure for the consideration of every question of fact and law, and where every circumstance was made known to the government and the public, it is easy to imagine what the demeanour of the same tribunal must have been in the trials of several hundred insurgents of humble condition, crowded into so short a time that the wisest and most upright judges could hardly have distinguished the innocent from the guilty.[a]

[a] By the favour of the clerk of assize, I have before me many of the original records of this circuit. The account of it by Lord Lonsdale was written in 1688. The "Bloody Assizes" and the "Life of Jeffreys" were published in 1689. They were written by one Shirley, a compiler, and by Pitts, a surgeon in Monmouth's army. Six thousand copies of the latter were sold. (Life of John Dunton, i. 184.) Roger Coke, a contemporary, and Oldmixon, almost an eye-witness, vouch for their general fairness; and I have found an unexpected degree of coincidence between them and the circuit records. Burnet came to reside at Salisbury in 1689, and he and Kennett began to relate the facts about seventeen years after they occurred. Father Orleans, and the writer of James's life, admit the cruelties, while they

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As the movements of Monmouth's army had been confined to Dorset and Somerset, the acts of high treason were almost entirely committed there, and the prisoners apprehended elsewhere were therefore removed for trial to these counties.[a] That unfortunate district was already filled with dismay and horror by the barbarities of the troops; the roads leading to its principal towns were covered with prisoners under military guards, the display and menace of warlike power were most conspicuous in the retinue of insolent soldiers and trembling culprits who followed the march of the judges, forming a melancholy contrast to the parental confidence which was wont to pervade the administration of the unarmed laws of a free people. Three hundred and twenty prisoners were arraigned at Dorchester, of whom thirty-five pleaded not guilty, and on their trial five were acquitted and thirty were convicted. The Chief Justice caused some intimation to be conveyed to the prisoners that confession was the only road to mercy; and to strengthen the effect of this hint, he sent twenty-nine of the persons convicted to immediate execution, though one of them at least was so innocent that had there been time to examine his case, he might even then have been pardoned.[b] The intimation illustrated by such a commentary produced the intended effect. Two hundred and eight at once confessed.[c] Eighty persons were, according to contemporary accounts, executed at Dorchester; and though the records state only the execution of fifty, yet as they contain no entry of judgment in two hundred and fifty cases, their silence affords no presumption against the common accounts.

The correspondence of Jeffreys with the King and the minister appears to have begun at Dorchester. From that place he wrote

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vainly strive to exculpate the King from any share in them. From a comparison of those original authorities, and from the correspondence, hitherto unknown, in the State Paper Office, the narrative of the text has been formed.

[a] There were removed to Dorchester 94 from Somerset, 89 from Devon, 55 from Wilts, and 23 from London. Circuit Records.

[b] Bragg, an attorney. Bloody Assizes. Locke, Western Rebellion.

[c] Calendar for Dorsetshire summer assizes, 1685.

on the 8th of September, in terms of enthusiastic gratitude to Sunderland, to return thanks for the Great Seal.[a] Two days afterwards he informed Sunderland, that though "tortured by the stone," he had that day "despatched ninety-eight rebels."[b] Sunderland assured him in answer, that the King approved all his proceedings, of which very minute accounts appear to have been constantly transmitted by Jeffreys directly to the King himself.[c] In the county of Somerset more than a thousand prisoners were arraigned for treason at Taunton and Wells, of whom only six ventured to put themselves on their trial by pleading not guilty. A thousand and forty confessed themselves to be guilty; a proportion of confessions so little corresponding to the common chances of precipitate arrests, of malicious or mistaken charges, and of escapes on trial, all which were multiplied in such violent and hurried proceedings, as clearly to show that the measures of the circuit had already extinguished all expectation that the Judges would observe the rules of justice. Submission afforded some chance of escape. From trial the most innocent could no longer have any hope. Only six days were allowed in this county to find indictments against a thousand prisoners, to arraign them, to try the few who still ventured to appeal to law, to record the confessions of the rest, and to examine the circumstances which ought, in each case, to aggravate or extenuate the punishment. The names of two hundred and thirty-nine persons executed there are preserved.[d] But as no judgments are entered[e], we do not know how many more may have suffered. In order to diffuse terror more widely, these executions were directed to take place in thirty-six towns and villages. Three were executed in the village of Wrington, the birthplace of Mr. Locke, whose writings were one day to lessen

[a] The Great Seal had only been vacant three days, as Lord Keeper Guilford died at his seat at Wroxton, on the 5th Sept.

[b] Jeffreys to Sunderland, 8th and 10th Sept. 1685. State Paper Office.

[c] Sunderland to Jeffreys. Windsor, 14th Sept. 1684.

[d] Life and Death of George Lord Jeffreys. 1689.

[e] Circuit Records.

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the misery suffered by mankind from cruel laws and unjust judges. The general consternation spread by these proceedings have prevented a particular account of many of the cases from reaching us. In some of those more conspicuous instances which have been preserved, we see what so great a body of obnoxious culprits must have suffered in narrow and noisome prisons, where they were often destitute of the common necessaries of life, before a judge whose native rage and insolence were stimulated by daily intoxication, and inflamed by the agonies of an excruciating distemper, from the brutality of soldiers, and the cruelty of slavish or bigoted magistrates; while one part of their neighbours were hardened against them by faction, and the other deterred from relieving them by fear. The ordinary executioners, unequal to so extensive a slaughter, were aided by novices, whose unskilfulness aggravated the horrors of that death of torture which was then the legal punishment of high treason. Their lifeless remains were treated with those indignities and outrages which still[a] continue to disgrace the laws of a civilised age. They were beheaded and quartered, and the heads and limbs of the dead were directed to be placed on court-houses, and in all conspicuous elevations in streets, high roads, and churches. The country was filled with the dreadful preparations necessary to fit these inanimate members for such an exhibition, and the roads were covered by vehicles conveying them to great distances in every direction.[b] There was not a hamlet in which the poor inhabitants were not doomed hourly to look on the mangled remains of a neighbour or a relation. "All the high roads of the country were no longer to be travelled, while the horrors of so many quarters of men and the offensive stench of them lasted."[c]

[a] [1822.]

[b] "Nothing could be liker hell than these parts: caldrons hissing, carcasses boiling, pitch and tar sparkling and glowing, bloody limbs boiling, and tearing, and mangling." Bloody Assizes, 3d ed. 140. "England is now an aceldama. The country, for sixty miles, from Bristol to Exeter, had a new terrible sort of sign-posts, gibbets, heads and quarters of its slaughtered inhabitants." Oldmixon, i. 707. An eye-witness.

[c] Lord Lonsdale's Memoirs, 13., who confirms the testimony of the two former more ardent partisans, both of whom, however, were eye-witnesses.

While one of the most fertile and cheerful provinces of England was thus turned into a scene of horror by the mangled remains of the dead, the towns resounded with the cries, and the streets streamed with the blood of men, and even women and children, who were cruelly whipped for real or pretended sedition. The case of John Tutchin[a], afterwards a noted political writer, is a specimen of these minor cruelties. He was tried at Dorchester, under the assumed name of Thomas Pitts, for having said that Hampshire was up in arms for the Duke of Monmouth; and, on his conviction, was sentenced to be whipped through every market town in the county for seven years. The females in court burst into tears, and even one of the officers of the court ventured to observe to the Chief Justice, that the culprit was very young, and that the sentence would reach to once a fortnight for seven years. These symptoms of pity exposed the prisoner to new brutality from his judge. Tutchins is said to have petitioned the King for the more lenient punishment of the gallows. He was seized with the small-pox in prison; and, whether from unwonted compassion, or from the misnomer in the indictment, he appears to have escaped the greater part of the barbarous punishment to which he was doomed.

These dreadful scenes are relieved by some examples of generous virtue in individuals of the victorious party. Harte, a clergyman of Taunton, following the excellent example of the Bishop, interceded for some of the prisoners with Jeffreys in the full career of cruelty. The intercession was not successful; but it compelled Jeffreys to honour the humanity to which he did not yield, for he soon after preferred Harte to be a prebendary of Bristol. Both Ken and Harte, who were probably at the moment charged with disaffection, sacrificed at a subsequent period their preferments, rather than violate the allegiance which they thought still to be due to the King; while Mew, Bishop of Winchester, who was on the field of battle at Sedgmoor, and who ordered that his coach-

[a] Savage, 509. Locke's Western Rebellion, 21. Dorchester Calendar, Autumn assizes, 1685.

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horses should drag forward the artillery of the royal army, preserved his rich bishopric by compliance with the government of King William, although founded on the deposition of a monarch for whom, while fortune smiled, the prudent prelate had shown such forward and unbecoming zeal. The army of Monmouth also afforded instructive proofs, that the most furious zealots are not always the most consistent adherents. Ferguson and Hooke, two presbyterian clergymen in that army, passed most of their subsequent lives in Jacobite intrigues, either from incorrigible habits of conspiracy, or from resentment at the supposed ingratitude of their own party, or from the inconstancy natural to men of unbridled passions and distempered minds.

Daniel De Foe, one of the most original writers of the English nation, served in the army of Monmouth; but we do not know the particulars of his escape. A great satirist had afterwards the baseness to reproach both Tutchins and De Foe with sufferings, which were dishonourable only to those who inflicted them.[a]

In the mean time, peculiar circumstances rendered the correspondence of Jeffreys in Somersetshire with the King and his minister more specific and confidential than it had been in the preceding parts of the circuit. Lord Sunderland had apprised Jeffreys of the King's pleasure to bestow a thousand convicts on several courtiers, and one hundred on a favourite of the Queen[b], on these persons finding security that the prisoners should be enslaved for ten years in some West India island; a limitation intended, perhaps, only to deprive the convicts of the sympathy of the puritan colonists of New England, but which, in effect, doomed them to a miserable and lingering death in a climate where field-labour is fatal to Europeans. Jeffreys, in his letter to the King, remonstrates against this disposal of the prisoners; who, he says,

[a] "Earless on high stood unabashed De Foe,
And Tutchins flagrant from the scourge below."

[b] Sunderland to Jeffreys, 14th and 15th Sept. 1685. State Paper Office. 200 to Sir Robert White, 200 to Sir William Booth, 100 to Sir C. Musgrave, 100 to Sir W. Stapleton, 100 to J. Kendall, 100 to —— Triphol, 100 to a merchant. "The Queen has asked 100 more of the rebels."

would be worth ten or fifteen pounds a-piece[a]; and, at the same time, returns thanks for his Majesty's gracious acceptance of his services. In a subsequent letter from Bristol[b], he yields to the distribution of the convicts; boasts of his victory over that most factious city, where he had committed the mayor and an alderman, under pretence of their selling to the plantations men whom they had unjustly convicted with a view to such a sale; and pledged himself "that Taunton, and Bristol, and the county of Somerset, should know their duty both to God and their King before he leaves them." He entreated the King not to be surprised into pardons.

Behaviour of the King.

James, being thus regularly apprised of the most minute particulars of Jeffreys's proceedings, was accustomed to speak of them to the foreign ministers under the name of "Jeffreys's campaign."[c] He amused himself with horse-races at Winchester, the scene of the recent execution of Mrs. Lisle, during the hottest part of Jeffreys's operations.[d] He was so fond of the phrase of "Jeffreys's campaign," as to use it twice in his correspondence with the Prince of Orange; and, on the latter occasion, in a tone of exultation approaching to defiance.[e] The excellent Ken had written to him a letter of expostulation on the subject.[f] On the 30th of September, on Jeffreys's return to court, his promotion to the office of Lord Chancellor was announced in the Gazette, with a panegyric on his services very unusual in the cold formalities of official appointment. Had James been dissatisfied with the conduct of Jeffreys, he had the means of repairing some part of its consequences, for the executions in Somersetshire were not concluded before the latter part of November; and among the persons who suffered in October was Mr. Hickes, a Non-conformist clergyman, for whom his brother, the learned Dr. Hickes, afterwards a

[a] Jeffreys to the King. Taunton, 19th Sept. MS. State Paper Office.
[b] Jeffreys to Lord Sunderland. Bristol, 22d Sept. MS. Ibid.
[c] Burnet, i. 648.
[d] 14th to 18th Sept. London Gazettes.
[e] The King to the Prince of Orange, 10th and 24th Sept. App. to Dalrymple.
[f] Lord Lonsdale.

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sufferer in the cause of James, sued in vain for pardon.[a] Some months after[b], when Jeffreys had brought on a fit of dangerous illness by one of his furious debauches, the King expressed great concern, and declared that the loss could not be easily repaired.

The public acts and personal demeanour of the King himself agreed too well with the general character of these judicial severities. An old officer, named Holmes, who was taken in Monmouth's army, being brought up to London, was admitted to an interview with the King, who offered to spare his life if he would promise to live quietly. He answered, that his principles had been and still were "republican," believing that form of government to be the best; that he was an old man, whose life was as little worth asking as it was worth giving: an answer which so displeased the King, that Holmes was removed to Dorchester, where he suffered death with fortitude and piety.[c]

The proceedings on the circuit seem, indeed, to have been so exclusively directed by the King and the Chief Justice, that even Lord Sunderland, powerful as he was, could not obtain the pardon of one delinquent. Yet the case was favourable, and it deserves to be shortly related, as characteristic of the times. Lord Sunderland interceded repeatedly[d] with Jeffreys for a youth named William Jenkins, who was executed[e] in spite of such powerful

[a] The Père d'Orleans, who wrote under the eye of James, in 1695, mentions the displeasure of the King at the sale of pardons, and seems to refer to Lord Sunderland's letter to Kirke, who, we know from Oldmixon, was guilty of that practice; and, in other respects, rather attempts to account for, than to deny, the acquiescence of the King in the cruelties. Révolutions d'Angleterre, liv. xi. The testimony of Roger North, if it has any foundation, cannot be applied to this part of the subject. That part of the Life of James II. which relates to it is the work only of the anonymous biographer, Mr. Dicconson of Lancashire, and abounds with the grossest mistakes. The assertion of Sheffield, Duke of Buckingham in the "Account of the Revolution," that Jeffreys disobeyed James's orders, is disproved by the correspondence already quoted. There is, on the whole, no colour for the assertion of Macpherson, i. 453. or for the doubts of Dalrymple.

[b] Baril. au Roi, 4-14 Feb. 1686. Fox MSS. i. 106.

[c] Lord Lonsdale's Memoir, 12. Calendar for Dorsetshire, Bloody Assizes. The account of Col. Holmes by the anonymous biographer (Life, ii. 43.) is contradicted by all these authorities. It is utterly improbable, and is not more honourable to James than that here adopted.

[d] Lord Sunderland to Lord Jeffreys, 12th Sept. 1685. State Paper Office.

[e] At Taunton, 30th Sept. Locke's Western Rebellion, p. 2.

solicitations. He was the son of an eminent Non-conformist clergyman, who had recently died in Newgate after a long imprisonment, inflicted on him for the performance of his clerical duties. Young Jenkins distributed mourning rings, on which was inscribed, "William Jenkins, murdered in Newgate." He was in consequence imprisoned in the gaol of Ilchester; and, being released by Monmouth's army, he joined his deliverers against his oppressors.

Vain attempts have been made to exculpate James, by throwing part of the blame of these atrocities upon Pollexfen, an eminent Whig lawyer, who was leading counsel in the prosecution[a]; a wretched employment, which he probably owed, as a matter of course, to his rank as senior King's counsel on the circuit. His silent acquiescence in the illegal proceedings against Mrs. Lisle must, indeed, brand his memory with indelible infamy. But, from the King's perfect knowledge of the circumstances of that case, it seems to be evident that Pollexfen's interposition would have been unavailing: and the subsequent proceedings were carried on with such utter disregard of the forms, as well as the substance of justice, that counsel had probably no duty to perform, and no opportunity to interfere.

To these facts may be added, what, without such preliminary evidence, would have been of little weight, the dying declaration of Jeffreys himself, who, a few moments before he expired, said to Dr. Scott, an eminent divine who attended him in the Tower, "Whatever I did then I did by express orders; and I have this farther to say for myself, that I was not half bloody enough for him who sent me thither."[b]

Other trials occurred under the eye of James in London, where, according to an ancient and humane usage, no sentence of death is executed till the case be laid before the King in person, that he

Trials in London.

[a] Life of James II., vol. ii. p. 44, 45.

[b] Speaker Onslow's Note on Burnet. Burn. iii. 61. Oxford ed. 1823. Onslow received this information from Sir J. Jekyll, who heard it from Lord Somers, to whom it was communicated by Dr. Scott. The account of Tutchin, who stated that Jeffreys had made the same declaration to him in the Tower, is thus confirmed by indisputable evidence.

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may determine whether there be any room for mercy. Mr. Cornish, an eminent merchant, charged with a share in the Rye House plot, was apprehended, tried, and executed within the space of ten days; the Court having refused him the time which he alleged to be necessary to bring up a material witness.[a] Colonel Rumsey, the principal witness for the crown, owned that on the trial of Lord Russell he had given evidence which directly contradicted his testimony against Cornish. This avowal of perjury did not hinder the conviction and execution. But the scandal was so great, that James was obliged, in a few days, to make a tardy reparation for the precipitate injustice of his judges. The mutilated limbs of Cornish were restored to his relations, and Rumsey was confined for life to St. Nicholas's Island, at Plymouth[b]; a place of illegal imprisonment, still kept up in defiance of the Habeas Corpus Act. This virtual acknowledgment by the King of the falsehood of Rumsey's testimony assumes an importance in history, when it is considered as a proof of the perjury of one of the two witnesses against Lord Russell, the man of most unspotted virtue who ever suffered on an English scaffold.

Of Mrs. Gaunt and others.

Ring, Fernley, and Elizabeth Gaunt, persons of humble condition in life, were tried on the same day with Cornish, for harbouring some fugitives from Monmouth's army. One of the persons to whom Ring afforded shelter was his near kinsman. Fernley was convicted on the sole evidence of Burton, whom he concealed from the search of the public officers. When a witness was about to be examined for Fernley, the Court allowed one of their own officers to cry out that the witness was a Whig; while one of the judges, still more conversant with the shades of party, sneered at another of his witnesses as a trimmer. When Burton was charged with being an accomplice in the Rye House plot, Mrs. Gaunt received him, supplied him with money, and procured him a passage to Holland. After the defeat of Monmouth, with whom he returned, he took refuge in the house of Fernley, where Mrs.

[a] State Trials, xi. 382.

[b] Narcissus Luttrell, 19th April, 1686.

Gaunt visited him, again supplied him with money, and undertook a second time to save his life, by procuring the means of his again escaping into Holland. When Burton was apprehended, the prosecutors had their choice, if a victim were necessary, either of proceeding against Burton, whom they charged with open rebellion and intended assassination, or against Mrs. Gaunt, whom they could accuse only of acts of humanity and charity forbidden by their laws. They chose to spare the wretched Burton, in order that he might swear away the lives of others for having preserved his own. Eight judges, of whom Jeffreys was no longer one, sat on these deplorable trials. Roger North, known as a contributor to our history, was an active counsel against the benevolent and courageous Mrs. Gaunt. William Penn was present when she was burnt alive[a], and having familiar access to James, is likely to have related to him the particulars of that and of the other executions at the same time. At the stake, she disposed the straw around her, so as to shorten her agony by a strong and quick fire, with a composure which melted the spectators into tears. She thanked God that he had enabled her to succour the desolate; that the blessing of those who were ready to perish came upon her; and that, in the act for which she was doomed by men to destruction, she had obeyed the sacred precepts which commanded her to hide the outcast, and not to betray him that wandereth. Thus was this poor and uninstructed woman supported under a death of cruel torture, by the lofty consciousness of suffering for righteousness, and by that steadfast faith in the final triumph of justice which can never visit the last moments of the oppressor.

The dying speeches of the prisoners executed in London were suppressed, and the outrages offered to the remains of the dead were carried to an unusual degree.[b] The body of Richard Rumbold, who had been convicted and executed at Edinburgh, under a Scotch law, was brought up to London. The sheriffs of London

[a] Clarkson's Life of Penn, i. 448. Burnet.
[b] Narcissus Luttrell, 16th Nov. 1685.

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were commanded, by a royal warrant, to set up one of the quarters on one of the gates of the city, and to deliver the remaining three to the sheriff of Hertford, who was directed by another warrant to place them at or near Rumbold's late residence at the Rye House[a]; impotent but studied outrages, which often manifest more barbarity of nature than do acts of violence to the living.

The chief restraint on the severity of Jeffreys seems to have arisen from his rapacity. Contemporaries of all parties agree that there were few gratuitous pardons, and that wealthy convicts seldom sued to him in vain. Kiffin, a Non-conformist merchant, had agreed to give 3000*l.* to a courtier for the pardon of two youths of the name of Luson, his grandsons, who had been in Monmouth's army. But Jeffreys guarded his privilege of selling pardons, by unrelenting rigour towards those prisoners from whom mercy had thus been sought through another channel.[b] He was attended on his circuit by a buffoon, to whom, as a reward for his merriment in one of his hours of revelry, he tossed the pardon of a rich culprit, expressing his hope that it might turn to good account. But this traffic in mercy was not confined to the Chief Justice. The King pardoned Lord Grey to increase the value of the grant of his life-estate, which had been made to Lord Rochester. The young women of Taunton, who had presented colours and a Bible to Monmouth, were excepted by name from the general pardon, in order that they might purchase separate pardons. To aggravate this indecency, the money to be thus extorted from them was granted to persons of their own sex,—the queen's maids of honour; and it must be added with regret, that William Penn, sacrificing other objects to the hope of obtaining the toleration of his religion from the King's favour, was appointed an agent for the maids of honour, and submitted to receive instructions "to make the most advantageous composition he could in their behalf."[c] The Duke of Somerset in vain attempted to persuade Sir Francis Warre, a

[a] Warrants, 27th and 28th Oct. 1685. State Paper Office. One quarter was to be put up at Aldgate; the remaining three at Hoddesdon, the Rye, and Bishop's Stortford.

[b] Kiffin's Memoirs, 54. ed. 1823. (Answer of Kiffin to James, ibid. 159.)

[c] Lord Sunderland to William Penn, 13th Feb. 1686. State Paper Office.

neighbouring gentleman, to obtain 7000*l.* from the young women, without which, he said, the maids of honour were determined to prosecute them to outlawry. Roger Hoare, an eminent trader of Bridgewater, saved his life by the payment of 1000*l.* to the maids of honour; but he was kept in suspense respecting his pardon till he came to the foot of the gallows, for no other conceivable purpose than that of extorting the largest possible sum. This delay caused the insertion of his execution in the first narratives of these events. But he lived to take the most just revenge on tyrants, by contributing, as representative in several parliaments for his native town, to support that free government which prevented the restoration of tyranny. CHAP. I. 1685.

The same disposition was shown by the King and his ministers in the case of Mr. Hampden, the grandson of him who, forty years before, had fallen in battle for the liberties of his country. Though this gentleman had been engaged in the consultations of Lord Russell and Mr. Sidney, yet there being only one witness against him, he was not tried for treason, but was convicted of a misdemeanor, and on the evidence of Lord Howard condemned to pay a fine of 40,000*l.* His father being in possession of the family estate, he remained in prison till after Monmouth's defeat, when he was again brought to trial for the same act as high treason, under pretence that a second witness had been discovered.[a] It had been secretly arranged, that if he pleaded guilty he should be pardoned on paying a large sum of money to two of the King's favourites. At the arraignment, both the Judges and Mr. Hampden performed the respective parts which the secret agreement required, he humbly entreating their intercession to obtain the pardon which he had already secured by more effectual means; they extolling the royal mercy, and declaring that the prisoner, by his humble confession, had taken the best means of qualifying himself to receive it. The result of this profanation of the forms of justice and mercy was, that Mr. Hampden was in a few months Case of Hampden.

[a] State Trials, xi. 479.

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allowed to reverse his attainder, on payment of a bribe of 6000*l.* to be divided between Jeffreys and Father Petre, the two guides of the King in the performance of his duty to God and his people.[a]

Of Prideaux.

Another proceeding, of a nature still more culpable, showed the same union of mercenary with sanguinary purposes in the King and his ministers. Prideaux, a gentleman of fortune in the west of England, was apprehended on the landing of Monmouth, for no other reason than that his father had been attorney-general under the Commonwealth and the Protectorate. Jeffreys, actuated here by personal motives, employed agents through the prisons of the west to discover evidence against Prideaux. The lowest prisoners were offered their lives, and a sum of 500*l.* if they would give evidence against him. Such, however, was the inflexible morality of the Nonconformists, who formed the bulk of Monmouth's adherents, that they remained unshaken by these offers, amidst the military violence which surrounded them, and in spite of the judicial rigours which were to follow. Prideaux was enlarged. Jeffreys himself, however, was able to obtain some information, though not upon oath, from two convicts under the influence of the terrible proceedings at Dorchester.[b] Prideaux was again apprehended. The convicts were brought to London; and one of them was conducted to a private interview with the Lord Chancellor, by Sir Roger l'Estrange, the most noted writer in the pay of the court. Prideaux, alarmed at these attempts to tamper with witnesses, employed the influence of his friends to obtain his pardon. The motive for Jeffreys's unusual activity was then discovered. Prideaux's friends were told that nothing could be done for him, as "the King had given him" (the familiar phrase for a grant of an estate either forfeited or about to be forfeited) to the Chancellor, as a reward for his services in the west. On application to one Jennings, the avowed agent of the Chancellor for the sale of pardons, it was found that Jeffreys, unable to procure

[a] Lords' Journals, 20th Dec. 1689. This document has been overlooked by all historians, who, in consequence, have misrepresented the conduct of Mr. Hampden.

[b] Sunderland to Jeffreys, 14th Sept. 1685. State Paper Office.

evidence on which he could obtain the whole of Prideaux's large estates by a conviction, had now resolved to content himself with a bribe of 10,000*l.* for the deliverance of a man so innocent, that by the formalities of law, perverted as they then were, the Lord Chancellor could not effect his destruction. Payment of so large a sum was at first resisted; but to subdue this contumacy, Prideaux's friends were forbidden to have access to him in prison, and his ransom was raised to 15,000*l.* The money was then publicly paid by a banker to the Lord Chancellor of England by name. Even in the administration of the iniquitous laws of confiscation, there are probably few instances where, with so much premeditation and effrontery, the spoils of an accused man were promised first to the judge, who might have tried him, and afterwards to the Chancellor who was to advise the King in the exercise of mercy.[a]

Of Lord Brandon.

Notwithstanding the perjury of Rumsey in the case of Cornish, a second experiment was made on the effect of his testimony by producing him, together with Lord Grey and one Saxton, as a witness against Lord Brandon on a charge of treason.[b] The accused was convicted, and Rumsey was still allowed to correspond confidentially with the Prime Minister[c], to whom he even applied for money. But when the infamy of Rumsey became notorious, when Saxton had perjured himself on the subsequent trial of Lord Delamere, it was thought proper to pardon Lord Brandon, against whom no testimony remained but that of Lord Grey, who, when he made his confession, is said to have stipulated that no man should be put to death on his evidence. But Brandon was not enlarged on bail till fourteen months, nor was his pardon completed till two years after his trial.[d]

Of Lord Delamere.

The only considerable trial which remained was that of Lord Delamere, before the Lord Steward (Jeffreys) and thirty peers.

[a] Commons' Journals, 1st May, 1689.

[b] Narcissus Luttrell, 25th Nov. 1685; which, though very short, is more full than any published account of Lord Brandon's trial.

[c] Rumsey to Lord Sunderland, Oct. 1685, and Jan. 1686. State Paper Office.

[d] Narcissus Luttrell, Jan. and Oct. 1687.

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Though this nobleman was obnoxious and formidable to the court, the proof of the falsehood and infamy of Saxton, the principal witness against him, was so complete, that he was unanimously acquitted; a remarkable and almost solitary exception from the prevalent proceedings of courts of law at that time, arising partly from a proof of the falsehood of the charge more clear than can often be expected, partly perhaps from the fellow-feeling of the judges with the prisoner, and from the greater reproach to which an unjust judgment exposes its authors, when in a conspicuous station.

The administration of justice in state prosecutions is one of the surest tests of good government. The judicial proceedings which have been thus carefully and circumstantially related afford a specimen of those evils from which England was delivered by the Revolution. As these acts were done with the aid of juries, and without the censure of parliament, they also afford a fatal proof that judicial forms and constitutional establishments may be rendered unavailing by the subserviency or the prejudices of those who are appointed to carry them into effect. The wisest institutions may become a dead letter, and may even, for a time, be converted into a shelter and an instrument of tyranny, when the sense of justice and the love of liberty are weakened in the minds of a people.

CHAP. II.

DISMISSAL OF HALIFAX. — MEETING OF PARLIAMENT. — DEBATES ON THE ADDRESS. — PROROGATION OF PARLIAMENT. — HABEAS CORPUS ACT. — STATE OF THE CATHOLIC PARTY. — CHARACTER OF THE QUEEN — OF CATHERINE SEDLEY. — ATTEMPT TO SUPPORT THE DISPENSING POWER BY A JUDGMENT OF A COURT OF LAW. — GODDEN V. HALES. — CONSIDERATION OF THE ARGUMENTS. — ATTACK ON THE CHURCH. — ESTABLISHMENT OF THE COURT OF COMMISSIONERS FOR ECCLESIASTICAL CAUSES. — ADVANCEMENT OF CATHOLICS TO OFFICES. — INTERCOURSE WITH ROME.

Dismissal of Halifax.

THE general appearance of submission which followed the suppression of the revolt, and the punishment of the revolters, encouraged the King to remove from office the Marquis of Halifax, with whose liberal opinions he had recently as well as early been dissatisfied, and whom he suffered to remain in place at the accession, only as an example that old opponents might atone for their offences by compliance.[a] A different policy was adopted in a situation of more strength. As the King found that Halifax would not comply with his projects, he determined to dismiss him before the meeting of parliament, an act of vigour which it was thought would put an end to division in his counsels, and prevent discontented ministers from countenancing a resistance to his measures. When he announced this resolution to Barillon, he added, that "his design was to obtain a repeal of the Test and Habeas Corpus Acts, of which the former was destructive of the Catholic religion, and the other of the royal authority; that Halifax had not the firmness to support the good cause, and that he would have less power of doing harm if he were disgraced."[b]

[a] Barillon au Roi, $\frac{24\text{th February,}}{5\text{th March,}}$ 1685. Fox, App. XIV.

[b] Barillon au Roi, $\frac{19}{20}$ October, 1685. Fox, App. CXXI.

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James had been advised to delay the dismissal till after the session, that the opposition of Halifax might be moderated, if not silenced, by the restraints of high office; but he thought that his authority would be more strengthened, by an example of a determination to keep no terms with any who did not show an unlimited compliance with his wishes. "I do not suppose," said the King to Barillon, with a smile, "that the King your master will be sorry for the removal of Halifax. I know that it will mortify the ministers of the allies." Nor was he deceived in either of these respects. The news was received with satisfaction by Louis, and with dismay by the ministers of the empire, of Spain, and of Holland, who lost their only advocate in the councils of England [a]: it excited wonder and alarm among those Englishmen who were zealously attached to their religion and liberty.[b] Though Lord Halifax had no share in the direction of public affairs since the accession [c], his removal was an important event in the eye of the public, and gave him a popularity which he preserved by independent and steady conduct during the sequel of James's reign.

Meeting of Parliament, Nov. 9.

It is remarkable that, on the meeting of parliament, little notice was taken of the military and judicial excesses in the west. Sir Edward Seymour applauded the punishment of the rebels, and Waller alone, a celebrated wit, an ingenious poet, the father of parliamentary oratory, and one of the refiners of the English language, though now in his eightieth year, arraigned the violences of the soldiery with a spirit still unextinguished. He probably intended to excite a discussion which might gradually have reached the more deliberate and inexcusable faults of the Judges. But the opinions and policy of his audience defeated his generous purpose. The prevalent party looked with little disapprobation

[a] Barillon, 25th October, / 5th November, 1685.

[b] Reresby. Barillon.

[c] Barillon, 18th February, / 1st March, 1685.

on severities which fell on Nonconformists and supposed Republicans. Many might be base enough to feel little compassion for sufferers in the humbler classes of society; some were probably silenced by a pusillanimous dread of being said to be the abettors of rebels; and all must have been, in some measure, influenced by an undue and excessive degree of that wholesome respect for judicial proceedings, which is one of the characteristic virtues of a free country. This disgraceful silence is, perhaps, somewhat extenuated by the slow circulation of intelligence at that period, by the censorship which imposed silence on the press, or enabled the ruling party to circulate falsehood through its means, and by the eagerness of all parties for a discussion of the alarming tone and principles of the speech from the throne.

The King began by observing that the late events must convince every one that the militia was not sufficient, and that nothing but a good force of well-disciplined troops, in constant pay, could secure the government against enemies abroad and at home: that for this purpose he had increased their number, and now asked a supply for the great charge of maintaining them. "Let no man take exception," he continued, "that there are some officers in the army not qualified, according to the late tests, for their employments; the gentlemen are, I must tell you, most of them well known to me; they have approved the loyalty of their principles by their practice; and I will deal plainly with you, that after having had the benefit of their services in such a time of need and danger, I will neither expose them to disgrace, nor myself to the want of them, if there should be another rebellion to make them necessary to me." Nothing but the firmest reliance on the submissive disposition of the parliament could have induced James to announce to them his determination to bid defiance to the laws. He probably imagined that the boldness with which he asserted the power of the Crown would be applauded by many, and endured by most of the members of such a parliament. But never was there a more remarkable example of the use of a popular assembly, however ill composed,

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in extracting from the disunion, jealousy, and ambition of the victorious enemies of liberty, a new opposition to the dangerous projects of the crown. The vices of politicians were converted into an imperfect substitute for virtue; and though the friends of the constitution were few and feeble, the inevitable divisions of their opponents in some degree supplied their place.

The disgrace of Lord Halifax disheartened and even offended some supporters of government. Sir Thomas Clarges, a determined Tory, was displeased at the merited removal of his nephew, the Duke of Albemarle, from the command of the army against Monmouth. Nottingham, a man of talent and ambition, more a Tory than a courtier, was dissatisfied with his own exclusion from office, and jealous of Rochester's ascendency over the church party. His relation Finch, though solicitor-general, took a part against the court. The projects of the crown were thwarted by the friends of Lord Danby, who had forfeited all hopes of the King's favour by communicating the popish plot to the House of Commons, and by his share in the marriage of the Princess Mary with the Prince of Orange. Had the King's first attack been made on civil liberty, the opposition might have been too weak to embolden all these secret and dispersed discontents to display themselves, and to combine together. But the attack on the exclusive privileges of the Church of England, while it alienated the main force of the crown, touched a point on which all the subdivisions of discontented Tories professed to agree, and afforded them a specious pretext for opposing the King, without seeming to deviate from their ancient principles. They were gradually disposed to seek or accept the assistance of the defeated Whigs, and the names of Sir Richard Temple, Sir John Lowther, Sergeant Maynard, and Mr. Hampden, appear at last more and more often in the proceedings. Thus admirably does a free constitution not only command the constant support of the wise and virtuous, but often compel the low jealousies and mean intrigues of disappointed ambition to contend for its preservation. The consideration of the King's speech was postponed for three days, in spite of a

motion for its immediate consideration by Lord Preston, a secretary of state.

Debates on the address in the Commons.

In the committee of the whole House on the speech, which occurred on the 12th, two resolutions were adopted, of which the first was friendly, and the second was adverse, to the government. It was resolved that a supply be granted to his Majesty, and that a bill be brought in to render the militia more useful. The first of these propositions has seldom been opposed since the government has become altogether dependent on the annual grants of parliament; it was more open to debate on a proposal for extraordinary aid, and it gave rise to some important observations. Clarges declared he had voted against the exclusion, because he did not believe its supporters when they foretold that a popish king would have a popish army. "I am afflicted greatly at this breach of our liberties; what is struck at here is our all." Sir Edward Seymour observed, with truth, that to dispense with the test was to release the King from all law. Encouraged by the bold language of these Tories, old Serjeant Maynard said, that the supply was asked for the maintenance of an army which was to be officered against a law made, not for the punishment of Papists, but for the defence of Protestants. The accounts of these important debates are so scanty, that we may, without much presumption, suppose the venerable lawyer to have at least alluded to the recent origin of the test, to which the King had disparagingly adverted in his speech, as the strongest reason for its strict observance. Had it been an ancient law, founded on general considerations of policy, it might have been excusable to relax its rigour from a regard to the circumstances and feelings of the King. But having been recently provided as a security against the specific dangers apprehended from his accession to the throne, it was to the last degree unreasonable to remove or suspend it at the moment when those very dangers had reached their highest pitch. Sir Richard Temple spoke warmly against standing armies, and of the necessity of keeping the crown dependent on parliamentary grants. He proposed the resolution for the improvement

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of the militia, with which the courtiers concurred. Clarges moved as an amendment on the vote of supply, the words, "for the additional forces," to throw odium on the ministerial vote; but this adverse amendment was negatived by a majority of seventy in a house of three hundred and eighty-one. On the 13th, the ministers proposed to instruct the committee of the whole House on the King's speech, to consider, first, the paragraph of the speech which contained the demand of supply. They were defeated by a majority of a hundred and eighty-three to a hundred and eighty-two; and the committee resolved to take into consideration, first, the succeeding paragraph, which related to the officers illegally employed.[a]

On the 16th, an address was brought up from the committee, setting forth the legal incapacity of the Catholic officers, which could only be removed by act of parliament, offering to indemnify them from the penalties they had incurred, but, as their continuance would be taken to be a dispensing with the law, praying that the King would be pleased not to continue them in their employments. The House, having substituted the milder words, "that he would give such directions therein as that no apprehensions or jealousies might remain in the hearts of his subjects," unanimously adopted the address. A supply of seven hundred thousand pounds was voted; a medium between twelve hundred thousand required by ministers, and two hundred thousand proposed by the most rigid of their opponents. The danger of standing armies to liberty, and the wisdom of such limited grants as should compel the crown to recur soon and often to the House of Commons, were the general arguments used for the smaller sum. The courtiers urged the example of the late revolt, the

[a] "The Earl of Middleton, then a secretary of state, seeing many go out upon the division against the court who were in the service of government, went down to the bar and reproached them to their faces for voting as they did. He said to a Captain Kendal, 'Sir, have you not a troop of horse in his Majesty's service?' 'Yes, Sir,' said the other; 'but my brother died last night, and has left me seven hundred pounds a year.' This I had from my uncle, the first Lord Onslow, who was then a member of the House, and present. This incident upon one vote very likely saved the nation." Note of Speaker Onslow on Burnet, iii. 86. Oxford ed. 1823.

superiority of disciplined troops over an inexperienced militia, the necessity arising from the like practice of all other states, and the revolution in the art of war, which had rendered proficiency in it unattainable, except by those who studied and practised it as the profession of their lives. The most practical observation was that of Sir William Trumbull, who suggested that the grant should be annual, to make the existence of the army annually dependent on the pleasure of parliament. The ministers, taking advantage of the secrecy of foreign negotiations, ventured to assert that a formidable army in the hands of the King was the only check on the ambition of France, though they knew that their master was devoted to Louis XIV., to whom he had been recently suing for a secret subsidy in the most abject language of supplication.[a] When the address was presented, the King answered, with a warmth and anger very unusual on such occasions[b], that "he did not expect such an address; that he hoped his reputation would have inspired such a confidence in him; but that, whatever they might do, he should adhere to all his promises." The reading of this answer in the House the next day produced a profound silence for some minutes. A motion was made by Mr. Wharton to take it into consideration, on which Mr. John Cooke[c] said, "We are Englishmen, and ought not to be frightened from our duty by a few hard words." Both these gentlemen were Whigs, who were encouraged to speak freely by the symptoms of vigour which the House had shown; but they soon discovered that they had mistaken the temper of their colleagues; for the majority, still faithful to the highest pretensions of the crown whenever the Established Church was not adverse to them, com-

[a] Barillon au Roi, $\frac{6}{16}$ July, 1685. Fox, Appendix cv. "Le Roi me dit que si V. M. avoit quelque chose à desirer de lui, il iroit au devant de tout ce qui peut plaire à V. M.; qu'il avoit été élevé en France, et mangé le pain de V. M.; *que son cœur étoit François.*" Only six weeks before, James told his parliament that "he had a *true English heart.*" King's Speech, 30th May, 1685.

[b] Reresby, 218. Sir J. Reresby, being a member of the House, was probably present.

[c] Commons' Journals, 18th Nov. 1685.

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mitted Mr. Cooke to the Tower, though he disavowed all disrespectful intention, and begged pardon of the King and the House. Notwithstanding the King's answer, they proceeded to provide means of raising the supply, and they resumed the consideration of a bill for the naturalisation of French Protestants; a tolerant measure, of which the zealous partisans of the church had first resisted the introduction[a], and afterwards destroyed the greater part of the benefit by confining it to those who should conform to the Establishment.[b] The motion for considering the King's speech was not pursued[c], which, together with the proceeding on supply, seemed to imply a submission to the menacing answer of James, arising principally from the subservient character of the majority; but, probably, in some, from a knowledge of the vigorous measures about to be proposed in the House of Lords.

In the Lords.

At the opening of the session, that House had contented themselves with general thanks to the King for his speech, without any allusion to its contents. Jeffreys, in delivering the King's answer, affected to treat this parliamentary courtesy as an approval of the substance of the speech. Either on that or on the preceding occasion, it was said by Lord Halifax or Lord Devonshire (for it is ascribed to both), "that they had now more reason than ever to give thanks to his Majesty for having dealt so plainly with them." The House, not called upon to proceed as the other House were by the demand of supply, continued inactive for a few days, till they were roused by the imperious answer of the King to the Commons. On the 19th[d], the day of the answer, Lord Devonshire moved to take into consideration the dangerous consequences of an army kept up against law. He was supported by Halifax, by Nottingham, and by Anglesea, who, in a very advanced age,

[a] Commons' Journals, 16th June, 1685.

[b] Ibid. 1st July, 1685.

[c] Ibid. 19th Nov. 1685.

[d] Barillon, $\frac{23 \text{ Nov.}}{3 \text{ Dec.}}$ 1685. Fox MSS., i. 78. Lords' Journals, 19th Nov. 1685. This is the only distinct narrative of the proceedings of this important and decisive day. Burnet was then on the Continent, but I have endeavoured to combine his account with that of Barillon.

still retained that horror of the yoke of Rome, which he had found means to reconcile with frequent acquiescence in the civil policy of Charles and James. Lord Mordaunt, more known as Earl of Peterborough, signalised himself by the youthful spirit of his speech. "Let us not," he said, "like the House of Commons, speak of jealousy and distrust: ambiguous measures inspire these feelings. What we now see is not ambiguous. A standing army is on foot, filled with officers, who cannot be allowed to serve without overthrowing the laws. To keep up a standing army when there is neither civil nor foreign war, is to establish that arbitrary government which Englishmen hold in such just abhorrence." Compton, Bishop of London, a prelate of noble birth and military spirit, who had been originally an officer in the Guards, spoke for the motion in the name of all his brethren on the episcopal bench, who considered the security of the church as involved in the issue of the question. Compton was influenced not only by the feelings of his order, but by his having been the preceptor of the Princesses Mary and Anne, who were deeply interested in the maintenance of the Protestant church, as well as conscientiously attached to it.

Jeffreys was the principal speaker on the side of the court. He urged the thanks already voted as an approval of the speech. His scurrilous invectives, and the tones and gestures of menace with which he was accustomed to overawe juries, roused the indignation instead of commanding the acquiescence of the Lords. As this is a deportment which cuts off all honourable retreat, the contemporary accounts are very probable which represent him as sinking at once from insolence to meanness.[a] His defeat must have been signal; for, in an unusually full[b] House of Lords, after

[a] Burnet.

[b] The attendance was partly caused by a call of the House, ordered for the trials of Lords Stamford and Delamere. There were present on the 19th November, seventy-five temporal and twenty spiritual lords. On the call, two days before, it appeared that forty were either minors, abroad, or confined by sickness: six had sent proxies; two were prisoners for treason; and thirty absent without any special reason, of whom the great majority were disabled as Catholics: so that very few peers, legally and physically capable of attendance, were absent.

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so violent an opposition by the Chancellor of England, the motion for taking the address into consideration was, on the 23d, carried without a division.

Prorogation of Parliament.

On the next day the King prorogued the parliament, which never again was assembled but for the formalities of successive prorogations, by which its legal existence was prolonged for two years. By this prorogation he lost the subsidy of seventy thousand pounds. But his situation had become difficult. Though money was employed to corrupt some of the opponents of his measures, the opposition was daily gaining strength.[a] By rigorous economy, by diverting parliamentary aids from the purposes for which they were granted, the King had the means of maintaining the army, though his ministers had solemnly affirmed that he had not.[b] He was full of maxims for the necessity of firmness and the dangers of concession, which were mistaken by others, and perhaps by himself, for proofs of vigorous character. He had advanced too far to recede with tolerable dignity. The energy manifested by the House of Lords would have compelled even the submissive Commons to co-operate with them, which might have given rise to a more permanent coalition of the high church party with the friends of liberty. A suggestion had been thrown out in the Lords to desire the opinion of the judges on the right of the King to commission the Catholic officers[c]; and it was feared that the terrors of impeach-

[a] Barillon au Roi, $\frac{16}{26}$ Nov. 1685. Fox, Appendix cxxxv.

[b] Barillon au Roi, $\frac{3}{13}$ Dec. 1685. Fox MSS., i. 77. The expenses of the army of Charles II. was 280,000*l.*; that of James was 600,000*l.* The difference of 320,000*l.* was, according to Barillon, thus provided for: 100,000*l.*, the income of James as Duke of York, which he still preserved; 800,000*l.* granted to pay the debts of Charles, which, *as the King was to pay the debts as he thought fit*, would yield for some years 100,000*l.*; 800,000*l.* granted for the navy and the arsenal, on which the King *might proceed slowly, or even do nothing*; 400,000*l.* for the suppression of the rebellion. As these last funds were to come into the exchequer in some years, they were estimated as producing annually more than sufficient to cover the deficiency.

[c] Barillon au Roi, $\frac{30 \text{ Nov.}}{10 \text{ Dec.}}$ 1685. Fox MSS., i. 76.

ment might, during the sitting of parliament, draw an opinion from these magistrates against the prerogative, which might afterwards prove irrevocable. To reconcile parliament to the officers became daily more hopeless. To sacrifice those who had adhered to the King in a time of need appeared to be an example dangerous to all his projects, whether of enlarging his prerogative, or of securing, and, perhaps, finally establishing, his religion.

Thus ended the active proceedings of a parliament which, in all that did not concern the church, justified the most sanguine hopes that James could have formed from their submission to the court, as well as attachment to the monarchy. A body of men so subservient as that House of Commons could hardly be brought together by any mode of election or appointment; and James was aware that, by this angry prorogation, he had rendered it difficult for himself for a long time to meet another parliament.[a] The session had lasted only eleven days. The eyes of Europe had been anxiously turned toward their proceedings. Louis XIV., not entirely relying on the sincerity or steadiness of James, was fearful that he might have yielded to the allies or to his people, and instructed Barillon in that case to open a negotiation with leading members of the Commons, that they might embarrass the policy of the King, if it became adverse to France.[b] Spain and Holland, on the other hand, hoped, that any compromise between the King and parliament would loosen the ties that bound the former to France. It was even hoped that he might form a triple alliance with Spain and Sweden, and large sums of money were secretly offered to him to obtain his accession to such an alliance.[c] Three days before the meeting of parliament, arrived in London Monsignor d'Adda, a Lombard prelate of distinction, as the known, though then un-

[a] Barillon.

[b] Le Roi à Barillon, $\frac{9}{19}$ Nov. 1685. Fox, Appendix cxxxi.

[c] Barillon au Roi, $\frac{16}{26}$ Nov. 1685. Fox, Appendix cxxxvi.

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avowed, minister of the see of Rome[a], who was divided between the interest of the Catholic church of England and the animosity of Innocent XI. against Louis XIV. All these solicitudes, and precautions, and expectations, were suddenly dispelled by the unexpected rupture between James and his parliament.

Habeas Corpus Act.

From the temper and opinions of that parliament it is reasonable to conclude, that the King would have been more successful if he had chosen to make his first attack on the Habeas Corpus Act, instead of directing it against the Test. Both these laws were then only of a few years' standing; and he, as well as his brother, held them both in abhorrence. The Test gave exclusive privileges to the Established Church, and was, therefore, dear to the adherents of that powerful body. The Habeas Corpus Act was not then the object of that attachment and veneration which experience of its unspeakable benefits for a hundred and fifty years has since inspired. The most ancient of our fundamental laws had declared the principle that no freeman could be imprisoned without legal authority.[b] The immemorial antiquity of the writ of Habeas Corpus,—an order of a court of justice to a gaoler to bring the body of a prisoner before them, that there might be an opportunity of examining whether his apprehension and detention were legal,—seems to prove that this principle was coeval with the law of England. In irregular times, however, it had been often violated; and the judges under Charles I. pronounced a judgment[c], which, if it had not been condemned by the great statute called the Petition of Right[d], would have vested in the crown a legal power of arbitrary imprisonment. By the statute which abolished the Star Chamber, the parliament of 1641[e] made some important provisions

[a] Monsignor d'Adda al Papa, $\frac{9}{19}$ Nov. 1685. D'Adda MSS.

[b] Magna Charta, c. 29.

[c] The famous case of commitments "by the special command of the King," which last words the Court of King's Bench determined to be a sufficient cause for detaining a prisoner in custody, without any specification of an offence. State Trials, iii. 1.

[d] 3 Car. I. c.

[e] 16 Car. I. c. 10.

to facilitate deliverance from illegal imprisonment. For eleven years Lord Shaftesbury struggled to obtain a law which should complete the securities of personal liberty[a]; and at length that great though not blameless man obtained the object of his labours, and bestowed on his country the most perfect security against arbitrary imprisonment which has ever been enjoyed by any society of men.[b] It has banished that most dangerous of all modes of oppression from England. It has effected that great object as quietly as irresistibly; it has never in a single instance been resisted or evaded; and it must be the model of all nations who aim at securing that personal liberty without which no other liberty can subsist. But in the year 1685, it appeared to the predominant party an odious novelty, an experiment untried in any other nation; carried through, in a period of popular frenzy, during the short triumph of a faction hostile to church and state, and by him who was the most obnoxious of all the demagogues of the age. There were then, doubtless, many, perhaps the majority, of the partisans of authority who believed, with Charles and James, that to deprive a government of all power to imprison the suspected and the dangerous, unless there was legal ground of charge against them, was incompatible with the peace of society; and this opinion was the more dangerous because it was probably conscientious.[c] In this state of things it may seem singular that James did not first propose the repeal of the Habeas Corpus Act, by which he would have gained the means of silencing opposition to all his other projects. What the fortunate circumstances were which pointed his attack against the Test, we are not enabled by contemporary evidence to ascertain. He contemplated that measure with peculiar resentment, as a personal insult

[a] 1688 to 1679. Lords' and Commons' Journals.

[b] 31 Car. II. c. 2.

[c] James retained this opinion till his death. "It was a great misfortune to the people, as well as to the crown, the passing of the Habeas Corpus Act, since it obliges the crown to keep a greater force on foot to preserve the government, and encourages disaffected, turbulent, and unquiet spirits to carry on their wicked designs: it was contrived and carried on by the Earl of Shaftesbury to that intent." Advice of James II. to his Son. Life, ii. 621.

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to himself, and as chiefly, if not solely, intended as a safeguard against the dangers apprehended from his succession. He considered it as the most urgent object of his policy to obtain a repeal of it, which would enable him to put the administration, and especially the army, into the hands of those who were devoted by the strongest of all ties to his service, whose power, honour, and even safety, were involved in his success. An army composed of Catholics must have seemed the most effectual of all the instruments of power in his hands; and it is no wonder that he should hasten to obtain it. Had he been a lukewarm or only a professed Catholic, an armed force, whose interests were the same with his own, might reasonably have been considered as that which it was in the first place necessary to secure. Charles II., with a loose belief in popery, and no zeal for it, was desirous of strengthening its interests, in order to enlarge his own power. As James was a conscientious and zealous Catholic, it is probable that he was influenced in every measure of his government by religion, as well as ambition: both these motives coincided in their object. His absolute power was the only security for his religion, and a Catholic army was the most effectual instrument for the establishment of absolute power. In such a case of combined motives, it might have been difficult for himself to determine which motive predominated on any single occasion. Sunderland, whose sagacity and religious indifference are alike unquestionable, observed to Barillon, that on mere principles of policy James could have no object more at heart than to strengthen the Catholic religion[a]; an observation which, as long as the King himself continued to be a Catholic, seems, in the hostile temper which then prevailed among all sects, to have had great weight.

The best reasons for human actions are often not their true motives; but, in spite of the event, it does not seem difficult to defend the determination of the King on those grounds, merely

[a] Barillon au Roi, $\frac{6}{16}$ July, 1685. Fox, Appendix ciii.

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State of the Catholic party.

political, which, doubtless, had a considerable share in producing it. It is not easy to ascertain how far his plans in favour of his religion at that time extended. A great division of opinion prevailed among the Catholics themselves on this subject. The most considerable and opulent laymen of that communion, willing to secure moderate advantages, and desirous to employ their superiority with such forbearance as might provoke no new severities under a Protestant successor, would have been content with a repeal of the penal laws, without insisting on an abrogation of the Test. The friends of Spain and Austria, with all the enemies of the French connection, inclined strongly to a policy which, by preventing a rupture between the King and parliament, might enable, and, perhaps, dispose him to espouse the cause of European independence. The sovereign pontiff himself was of this party; and the wary politicians of the court of Rome advised their English friends to calm and slow proceedings, though the papal minister, with a circumspection and reserve required by the combination of a theological with a diplomatic character, abstained from taking any open part in the division, where it would have been hard for him to escape the imputation of being either a lukewarm Catholic or an imprudent counsellor. The Catholic lords who were ambitious of office, the Jesuits, and especially the King's confessor, together with all the partisans of France, supported extreme counsels better suited to the temper of James, whose choice of political means was guided by a single maxim, that violence, which he confounded with vigour, was the only safe policy for an English monarch. Their most specious argument was the necessity of taking such decisive measures to strengthen the Catholics during the King's life as would effectually secure them against the hostility of his successor.[a] The victory gained by this party over the moderate Catholics, as well as the Protestant Tories, was ren-

[a] Barillon au Roi, $\frac{2}{12}$ November. Fox, Appendix cxxix. Bar. au Roi, $\frac{3}{31}$ December. Fox MSS., i. 78. Burnet, i. 662. The coincidence of Burnet with the more ample account of Barillon is an additional confirmation of the substantial accuracy of the honest prelate.

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dered more speedy and decisive by some intrigues of the court, which have not hitherto been fully known to historians. Mary of Este, the consort of James, was married at the age of fifteen; and had been educated in such gross ignorance, that she never had heard of the name of England until it was made known to her on occasion of her marriage. She was trained to a rigorous observance of all the practices of her religion, which sunk more deeply into her heart, and more constantly influenced her conduct, than was usual among Italian princesses. On her arrival in England, she betrayed a childish aversion to James, which was quickly converted into passionate fondness. But neither her attachment nor her beauty could fix the heart of that inconstant prince, who reconciled a warm zeal for his religion with an habitual indulgence in those pleasures which it most forbids. Her life was embittered by the triumph of mistresses, and by the frequency of her own perilous and unfruitful pregnancies. Her most formidable rival, at the period of the accession, was Catherine Sedley; a woman of few personal attractions[a], who inherited the wit and vivacity of her father, Sir Charles Sedley, which she unsparingly exercised on the priests and opinions of her royal lover. Her character was frank, her deportment bold, and her pleasantries more amusing than refined.[b] Soon after the accession, James was persuaded to relinquish his intercourse with her; and, though she retained her lodgings in the palace, he did not see her for several months. The connection was then secretly renewed, and, in the first fervour of a

Character of the Queen;

of Catherine Sedley.

[a] "Elle a beaucoup d'esprit et de la vivacité, mais elle n'a plus aucune beauté, et est d'une extrême maigreur." Barillon, 7 Février, 1686. The insinuation of decline is somewhat singular, as her father was then only forty-six.

[b] These defects are probably magnified in the verses of Lord Dorset:—

"Dorinda's sparkling wit and eyes
United, cast too fierce a light,
Which blazes high, but quickly dies;
Pains not the heart, but hurts the sight.

"Love is a calmer, gentler joy:
Smooth are his looks, and soft his pace;
Her Cupid is a blackguard boy,
That runs his link full in your face."

revived passion, the King offered to give her the title of Countess of Dorchester. She declined this invidious distinction; assuring him that, by provoking the anger of the Queen and of the Catholics, it would prove her ruin. He, however, insisted; and she yielded, upon condition that, if he was ever again prevailed upon to dissolve their connection, he should come to her to announce his determination in person.[a] The title produced the effects she had foreseen.

Mary, proud of her beauty, still enamoured of her husband, and full of religious horror at the vices of Mrs. Sedley, gave way to the most clamorous excesses of sorrow and anger at the promotion of her competitor. She spoke to the King with a violence for which she long afterwards reproached herself as a grievous fault. At one time she said to him, "Is it possible that you are ready to sacrifice a crown for your faith, and cannot discard a mistress for it? Will you for such a passion lose the merit of your sacrifices?" On another occasion she exclaimed, "Give me my dowry, make her Queen of England, and let me never see her more."[b] Her transports of grief sometimes betrayed her to foreign ministers; and she neither ate nor spoke with the King at the public dinners of the court.[c] The zeal of the Queen for the Catholic religion, and the profane jests of Lady Dorchester against its doctrines and ministers, had rendered them the leaders of the Popish and Protestant parties at court. The Queen was supported by the Catholic clergy, who, with whatever indulgence their order had sometimes treated regal frailty, could not remain neuter in a contest between an orthodox Queen and an heretical mistress. These intrigues early mingled with the designs of the two ministers, who still appeared to have equal influence in the royal counsels. Lord Rochester, who had felt the decline of the King's

[a] "Sua maestà, à persuasione de qualche mal consigliere, fosse disposta a dare il titolo di Contessa a una dama chiamata Sideley, la quale aveva fama di poca honesta, et di non haver la custodita col Duca di York." D'Adda al Card. Cybo. 1 Febbr. 1686.

[b] Mémoires Histor. de la Reine d'Angleterre, 1711 and 1712. MSS. formerly in possession of the nuns of Chaillot, since in the Arch. Gén. de la France.

[c] Bonrepaux à Seigneley, 7 Février, 1686. Evelyn, i. 584.

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Intrigues of Rochester and Sunderland.

confidence from the day of Monmouth's defeat, formed the project of supplanting Lord Sunderland, and of recovering his ascendant in public affairs through the favour of the mistress. Having lived in a court of mistresses, and maintained himself in office by compliance with them[a], he thought it unlikely that wherever a favourite mistress existed she could fail to triumph over a queen. As the brother of the first Duchess of York, Mary did not regard him with cordiality. As the leader of the church party, he was still more obnoxious to her. He and his lady were the principal counsellors of the mistress. He secretly advised the King to confer on her the title of honour, probably to excite the Queen to such violence as might widen the rupture between her and the King. He and his lady declared so openly for her as to abstain for several days, during the heat of the contest, from paying their respects to the Queen; a circumstance much remarked at a time when the custom was still observed, which had been introduced by the companionable humour of Charles, for the principal nobility to appear almost daily at court. Sunderland, already connected with the Catholic favourites, was now more than ever compelled to make common cause with the Queen. His great strength lay in the priests; but he also called in the aid of Madame Mazarin, a beautiful woman, of weak understanding, but practised in intrigue, who had been sought in marriage by Charles II. during his exile, refused by him after his restoration, and who, on her arrival in England ten years after, failed in the more humble attempt to become his mistress.

The exhortations of the clergy, seconded by the beauty, the affection, and the tears of the Queen, prevailed, after a severe struggle, over the ascendant of Lady Dorchester. James sent Lord Middleton, one of his secretaries of state, to desire that she would leave Whitehall, and go to Holland, to which country a yacht was in readiness to convey her. In a letter written by

[a] Carte's Ormond, ii. 553. The old duke, high-minded as he was, commended the prudent accommodation of Rochester.

his own hand, he acknowledged that he violated his promise; but excused himself by saying, that he was conscious of not possessing firmness enough to stand the test of an interview. She immediately retired to her house in St. James's Square; and offered to go to Scotland or Ireland, or to her father's estate in Kent; but protested against going to the Continent, where means might be found of immuring her in a convent for life. She was threatened with being forcibly carried abroad. She appealed to the Great Charter against such an invasion of the liberty of the subject. The contest continued for some time; and the King's advisers consented that she should go to Ireland, where Rochester's brother was lord lieutenant. She warned the King of his danger, and freely told him, that, if he followed the advice of Catholic zealots, he would lose his crown. She represented herself as the Protestant martyr; and boasted, many years afterwards, that she had neither changed her religion, like Lord Sunderland, nor even agreed to be present at a disputation concerning its truth, like Lord Rochester.[a] After the complete victory of the Queen, Rochester still preserved his place, and affected to represent himself as wholly unconcerned in the affair. Sunderland kept on decent terms with his rival, and dissembled his resentment at the abortive intrigue for his removal. But the effects of it were decisive. It secured the power of Sunderland, rendered the ascendency of the Catholic counsellors irresistible, gave them a stronger impulse towards violent measures, and struck a blow at the declining credit of Rochester, from which it never recovered. The removal of Halifax was the first step towards the new system of administration; the defeat of Rochester was the second. In the course of these contests, the Bishop of London was removed from the Privy Council for his conduct in the House of Peers; several members of the House of Commons were dismissed from military as well as civil offices for their votes in parliament; and the place of lord president of the council was bestowed on Sunderland, to add a

[a] Halifax MS.

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dignity which was then thought wanting to his efficient office of secretary of state.[a]

Attempt to support the dispensing power by a judgment in a court of law.

The government now attempted to obtain, by the judgments of courts of law, that power of appointing Catholic officers which parliament had refused to sanction. Instances had occurred in which the crown had dispensed with the penalties of certain laws; and the recognition of this dispensing power, in the case of the Catholic officers, by the judges, appeared to be an easy mode of establishing the legality of their appointments. The King was to grant to every Catholic officer a dispensation from the penalties of the statutes, which, when adjudged to be agreeable to law by a competent tribunal, might supply the place of a repeal of the Test Act. To obtain the judgment, it was agreed that an action for the penalties should be collusively brought against one of these officers, which would afford an opportunity to the judges to determine that the dispensation was legal. The plan had been conceived at an earlier period, since (as has been mentioned) one of the reasons of the prorogation was an apprehension lest the terrors of parliament might obtain from the judges an irrevocable opinion against the prerogative.[b] No doubt seems to have been entertained of the compliance of magistrates, who owed their station to the King, who had recently incurred so much odium in his service, and who were removable at his pleasure.[c] He thought it necessary, however, to ascertain their sentiments. His expectations of unanimity were disappointed. Sir J. Jones, who presided at the trial of Mrs. Gaunt; Montague, who had accompanied Jeffreys

[a] These intrigues are very fully related by M. Bonrepaux, a French minister of talent, at that time sent on a secret mission to London, in his letters to M. Segnelay, and by Barillon in his ordinary communications to the King. Fox MSS. i. 84. 106. The despatches of the French ministers afford a new proof of the good information of Burnet; but neither he nor Reresby was aware of the connection of the intrigue with the triumph of Sunderland over Rochester.

[b] Barillon au Roi, $\frac{23\ \text{Nov.}}{3\ \text{Dec.}}$ 1685. Fox MSS. i. 76. D'Adda a Cybo, 11 Jennaio, 1686:—"In maniera che in contradittorio judizio se conosce le cause fra particolari."

[c] "Les juges *declareront* qu'il est la prérogative du Roi de dispenser des peines portées par la loi." Bar. ubi suprà.

in his circuit; Sir Job Charlton, a veteran royalist of approved zeal for the prerogative; together with Neville, a baron of the Exchequer; declared their inability to comply with the desires of the King. Jones answered him with dignity worthy of more spotless conduct:—"I am not sorry to be removed. It is a relief to a man old and worn out as I am. But I am sorry that your Majesty should have expected a judgment from me which none but indigent, ignorant, or ambitious men could give." James, displeased at this freedom, answered, that he would find twelve judges of his opinion. "Twelve judges, Sir," replied Jones, "you may find; but hardly twelve lawyers."

However justly these judges are to be condemned for their former disregard to justice and humanity, they deserve great commendation for having, on this critical occasion, retained their respect for law. James possessed that power of dismissing his judges which Louis XIV. did not enjoy; and he immediately exercised it by removing the uncomplying magistrates, together with two others who held the same obnoxious principles. On the 21st. of April, the day before the courts were to assemble in Westminster for their ordinary term, the new judges were appointed, among whom, by a singular hazard, was a brother of the immortal John Milton, named Christopher, then in the seventieth year of his age, who is not known to have had any other pretension except that of having secretly conformed to the Church of Rome.[a] Sir Edward Hales, a Kentish gentleman who had been secretly converted to popery at Oxford by his tutor, Obadiah Walker, of University College (himself a celebrated convert), was selected to be the principal actor in the legal pageant for which the bench had been thus prepared. He was publicly reconciled to the Church of Rome on the 11th of November, 1685[b]; he was

[a] The conversion of Sir Christopher is, indeed, denied by Dod, the very accurate historian of the English Catholics. Church Hist. iii. 416. To the former concurrence of all contemporaries we may now add that of Evelyn, ii 590. and Narcissus Lutterell. "All the judges," says the latter, "except Mr. Baron Milton, took the oaths in the Court of Chancery. But he, it is said, owns himself a Roman Catholic." Diary, 8th June, 1686.

[b] Dod, Church Hist. iii. 451.

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appointed to the command of a regiment on the 28th of the same month, and a dispensation passed the Great Seal on the 9th of January following, to enable him to hold his commission without either complying with the conditions or incurring the penalties of the statute. On the 16th of June, the case was tried in the Court of King's Bench in the form of an action brought by Godden, the coachman of Sir E. Hales, to recover the penalty granted by the statute to a common informer from his master, for holding a military commission without having taken the oaths or the sacrament. The facts were admitted, the defence rested on the dispensation, and the case turned on its validity. Northey, the counsel for Godden, argued the case so faintly and coldly, that he scarcely dissembled his desire and expectation of a judgment against his pretended client. Sir Edward Herbert, the chief justice, a man of virtue, but without legal experience or knowledge, who had adopted the highest monarchical principles, had been one of the secret advisers of the exercise of the dispensing power: in his court he accordingly treated the validity of the dispensation as a point of no difficulty, but of such importance that it was proper for him to consult all the other judges respecting it. On the 21st of June, after only five days of seeming deliberation had been allowed to a question on the decision of which the liberties of the kingdom at that moment depended, Sir E. Herbert delivered the opinion of all the judges of England, except Street, who finally dissented from his brethren, in favour of the dispensation. At a subsequent period, indeed, two other judges, Powell and Atkins, affirmed that they had dissented, and another, named Lutebych, declared that he had only assented with limitations.[a] But as these magistrates did not protest at the time against Herbert's statement, as they delayed their public dissent until it had become dishonourable, and perhaps unsafe, to have agreed with the majority, no respect is due to their conduct, even if their assertion should be believed. Street, who gained great popularity

Godden v. Hales.

[a] Com. Journ. May 18. 1689.

by his strenuous resistance[a], remained a judge during the whole reign of James; he was not admitted to the presence of King William[b], nor re-appointed after the Revolution; circumstances which, combined with some intimations unfavourable to his general character, suggest a painful suspicion, that the only judge who appeared faithful to his trust was, in truth, the basest of all, and that his dissent was prompted or tolerated by the court, in order to give a false appearance of independence to the acts of the degraded judges.

Consideration of arguments.

In shortly stating the arguments which were employed on both sides of this question, it is not within the province of the historian to imitate the laborious minuteness of a lawyer, nor is it consistent with the faith of history to ascribe reasons to the parties more refined and philosophical than could probably have occurred to them, or influenced the judgment of those whom they addressed. The only specious argument of the advocates of prerogative arose from certain cases in which the dispensing power had been exercised by the crown and apparently sanctioned by courts of justice. The case chiefly relied on was a dispensation from the ancient laws respecting the annual nomination of sheriffs; the last of which, passed in the reign of Henry VI.[c], subjected sheriffs, who continued in office longer than a year, to certain penalties, and declared all patents of a contrary tenor, even though they should contain an express dispensation, to be void. Henry VII., in defiance of this statute, had granted a patent to the Earl of Northumberland to be sheriff of the county for life; and the judges in the second year of his reign declared that the Earl's appointment was valid. It has been doubted whether there was any determination in that case, and it has been urged, with great appearance of reason, that it proceeded on some exceptions in the statute, and not on the unreasonable doctrine, that an act of parliament, to which the

a "Mr. Justice Street has lately married a wife, with a good fortune, since his opinion on the dispensing power." Nar. Lutt. Oct. 1686.

b "The Prince of Orange refused to see Mr. J. Street. Lord Coote said he was a very ill man." Lord Clarendon, Diary, 27th December, 1688.

c 23 Hen. VI. c. 7.

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King was a party, could not restrain his prerogative. These are, however, considerations which are rather important to the character of those ancient judges than to the authority of the precedent. If they did determine that the King had a right to dispense with a statute, which had by express words deprived him of such a right, so egregiously absurd a judgment, probably proceeding from base subserviency, was more fit to be considered as a warning, than as a precedent by the judges of succeeding times. Two or three subsequent cases were cited in aid of this early precedent. But they either related to the remission of penalties in offences against the revenue, which stood on a peculiar ground, or they were founded on the supposed authority of the first case, and must fall with that unreasonable determination. Neither the unguarded expressions of Sir Edward Coke, nor the admissions incidentally made by Serjeant Glanville in the debates on the Petition of Rights on a point not material to his argument, could deserve to be seriously discussed as authorities on so momentous a question. Had the precedents been more numerous, and less unreasonable; had the opinions been more deliberate, and more uniform; they never could be allowed to decide in such a case. Though the constitution of England had been from the earliest times founded on the principles of civil and political liberty, the practice of the government, and even the administration of the law had often departed very widely from these sacred principles. In the best times, and the most regular governments, we find practices to prevail which cannot be reconciled with the principles of a free constitution. During the dark and tumultuous periods of English history, kings had been allowed to do many acts, which, if they were drawn into precedent, would be subversive of public liberty. It is by an appeal to such precedents, that the claim to dangerous prerogatives has been usually justified. The partisans of Charles I. could not deny that the Great Charter had forbidden arbitrary imprisonment, and levy of money without the consent of parliament. But in the famous cases of imprisonment by the personal command of the King, and of levying a revenue by writs of ship-

money, they thought that they had discovered a means, without denying either of these principles, of universally superseding their application. Neither in these great cases, nor in the equally memorable instance of the dispensing power, were the precedents such as justified the conclusion. If law could ever be allowed to destroy liberty, it would at least be necessary that it should be sanctioned by clear, frequent, and weighty determinations; by general concurrence of opinion after free and full discussion, and by the long usage of good times. But, as in all doubtful cases relating to the construction of the most unimportant statute, we consider its spirit and object; so, when the like questions arise on the most important part of law, called the constitution, we must try obscure and contradictory usage by constitutional principles, instead of sacrificing these principles to such usage. The advocates of prerogative, indeed, betrayed a consciousness, that they were bound to reconcile their precedents with reason; for they, too, appealed to principles which they called constitutional. A dispensing power, they said, must exist somewhere, to obviate the inconvenience and oppression which might arise from the infallible operation of law; and where can it exist but in the crown, which exercises the analogous power of pardon. It was answered, that the difficulty never can exist in the English constitution, where all necessary or convenient powers may be either exercised or conferred by the supreme authority of parliament. The judgment in favour of the dispensing power was finally rested by the judges on still more general propositions, which, if they had any meaning, were far more alarming than the judgment itself. They declared, that "the kings of England are sovereign princes; that the laws of England are the King's laws; that, therefore, it is an inseparable prerogative in the King of England to dispense with penal laws in particular cases, and on particular necessary reasons, of which reasons and necessities he is the sole judge; that this is not a trust vested in the King, but the ancient remains of the sovereign power of the kings of England, which never yet was

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taken from them, nor can be."[a] These propositions had either no meaning pertinent to the case, or they led to the establishment of absolute monarchy. The laws were, indeed, said to be the King's, inasmuch as he was the chief and representative of the commonwealth, as they were contradistinguished from those of any other state, as he had a principal part in their enactment, and the whole trust of their execution. These expressions were justifiable and innocent, as long as they were employed to denote that decorum and courtesy which are due to the regal magistracy. But if they are considered in any other light, they proved much more than the judges dared to avow. If the King might dispense with the laws, because they were his laws, he might for the same reason suspend, repeal, or enact them. The application of these dangerous principles to the Test Act was attended with the peculiar absurdity of attributing to the King a power to dispense with provisions of a law, which had been framed for the avowed and sole purpose of limiting his authority. The law had not hitherto disabled a Catholic from filling the throne. As soon, therefore, as the next person in succession to the crown was discovered to be a Catholic, it was deemed essential to the safety of the established religion to take away from the crown the means of being served by Catholic ministers. The Test Act was passed to prevent a Catholic successsor from availing himself of the aid of a party, whose outward badge was adherence to the Roman Catholic religion, and who were seconded by powerful allies in other parts of Europe, to overthrow the constitution, the Protestant church, and at last even the liberty of Protestants to perform their worship and profess their faith. To ascribe to that very Catholic successor the right of dispensing with all the securities provided against such dangers arising from himself, was to impute the most extravagant absurdity to the laws. It might be perfectly consistent with the principle of the Test Act, which was intended to provide against temporary dangers, to propose its repeal under a Protestant prince. But it is

[a] State Trials, xi. 1199.

altogether impossible that its framers could have considered a power of dispensing with its conditions as being vested in the Catholic successor whom it was meant to bind. Had these objections been weaker, the means employed by the King to obtain a judgment in his favour rendered the whole of this judicial proceeding a gross fraud, in which judges professing impartiality had been named by one of the parties to a question before them, after he had previously ascertained their partiality to him, and effectually secured it by the example of the removal of more independent judges. The character of Sir E. Herbert makes it painful to disbelieve his assertion, that he was unacquainted with these undue practices. But the notoriety of the facts seems to render the declaration incredible. In the same defence of his conduct which contains this assertion, there is another unfortunate departure from fairness. He rests his defence entirely on precedents, and studiously keeps out of view the dangerous principles which he laid down from the Bench as the foundation of his judgment. Public and solemn declarations, which ought to be the most sincere, are, unhappily, among the most disingenuous of human professions. This circumstance, which so much weakens the bonds of faith between men, is not so much to be imputed to any peculiar depravity in those who conduct public affairs, as to the circumstances in which official declarations are made. They are generally resorted to in times of difficulty, if not of danger, and often sure of being countenanced for the time by a numerous body of adherents. Public advantage covers falsehood with a more decent disguise than mere private interest can supply, and the vagueness of official language always affords the utmost facilities for reserve and equivocation. But these considerations, though they may, in some small degree, extenuate the disingenuousness of politicians, must, in the same proportion, lessen the credit which is due to their affirmations.[a]

[a] The arguments on this question are contained in the Tracts of Sir Edward Herbert, Sir R. Atkyns, and Mr. Attwood, published after the Revolution. State Trials, xi. That of Attwood is the most distinguished for acuteness and research. Sir Edward Herbert's is feebly reasoned, though elegantly written.

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After this determination, the judges on their circuit were not received with the accustomed honour.[a] Agreeably to the memorable observations of Lord Clarendon in the case of ship-money, they brought disgrace upon themselves, and weakness upon the whole government, by that base compliance which was intended to arm the monarch with undue and irresistible strength. The people of England, peculiarly distinguished by that reverence for the law, and its upright ministers, which is inspired by the love of liberty, have always felt the most cruel disappointment, and manifested the warmest indignation, at seeing the judges converted into instruments of oppression or usurpation.

These proceedings were viewed in a very different light by the ministers of absolute princes. D'Adda informed the papal court that the King had removed from office some contumacious judges, who had refused to conform to justice and reason on the subject of the King's dispensing power.[b] So completely was the spirit of France then subdued, that Barillon, the son of the president of the parliament of Paris, the native of a country where the independence of the great tribunals had survived every other remnant of ancient liberty, describes the removal of judges for their legal opinions as coolly as if he were speaking of the dismissal of an exciseman.[c]

The King, having, by the decision of the judges, obtained the power of placing the military and civil authority in the hands of his devoted adherents, now resolved to exercise that power, by nominating Catholics to stations of high trust, and to reduce the Church of England to implicit obedience by virtue of his ecclesiastical supremacy. Both these measures were agreed to at Hampton Court on the 4th of July; at which result he showed

[a] Nar. Lutt. 16 August, 1686.

[b] Lett. de Mons. d'Adda, $\frac{23 \text{ Aprile,}}{3 \text{ Maggio,}}$ 1686.

[c] Barillon, $\frac{19}{29}$ Avril, 1686. Fox MSS. i. 121.

the utmost complacency.[a] It is necessary to give some explanation of the nature of the second, which formed one of the most effectual and formidable measures of his reign.

Attack on the Church.

When Henry VIII. was declared at the Reformation to be the supreme head of the Church of England, no attempt was made to define, with any tolerable precision, the authority to be exercised by him in that character. The object of the lawgiver was to shake off the authority of the See of Rome, and to make effectual provision that all ecclesiastical power and jurisdiction should be administered, like every other part of the public justice of the kingdom, in the name and by the authority of the King. That object scarcely required more than a declaration that the realm was as independent of foreign power in matters relating to the Church as in any other branch of its legislation.[b] That simple principle is distinctly intimated in several of the statutes passed on that occasion, though not consistently pursued in any of them. The true principles of ecclesiastical polity were then nowhere acknowledged. The Court of Rome was far from admitting the self-evident truth, that all coercive and penal jurisdiction exercised by the clergy was, in its nature, a branch of the civil power delegated to them by the State, and that the Church as such could exercise only that influence (metaphorically called authority) over the understanding and conscience which depended on the spontaneous submission of its members. The Protestant sects were not willing to submit their pretensions to the control of the magistrate; and even the reformed Church of England, though the creature of statute, showed, at various times, a disposition to claim some rights under a higher title. All religious communities were at that time alike intolerant, and there was, perhaps, no man in Europe who dared to think that the State neither possessed, nor could delegate, nor could recognise as inherent in

[a] D'Adda, $\frac{10 \text{ July,}}{20 \text{ Luglio,}}$ 1686: "Somma compiascenza."

[b] 24 Hen. VIII. c. 12. 25 Hen. VIII. c. 21. See especially the preambles to these statutes.

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another body any authority over religious opinions. Neither was any distinction made in the laws to which we have adverted, between the ecclesiastical authority which the King might separately exercise and that which required the concurrence of parliament. From ignorance, inattention, and timidity, in regard to these important parts of the subject, arose the greater part of the obscurity which still hangs over the limits of the King's ecclesiastical prerogative and the means of carrying it into execution. The statute of the first of Elizabeth, which established the Protestant Church of England, enacted that the crown should have power, by virtue of that act, to exercise its supremacy by commissioners for ecclesiastical causes, nominated by the sovereign, and vested with uncertain and questionable, but very dangerous powers, for the execution of a prerogative of which neither law nor experience had defined the limits. Under the reigns of James and Charles this court had become the auxiliary and rival of the Star Chamber; and its abolition was one of the wisest of those measures of reformation by which the parliament of 1641 had signalised the first and happiest period of their proceedings.[a] At the restoration, when the Church of England was re-established, a part of the Act for the Abolition of the Court of High Commission, taking away coercive power from all ecclesiastical judges and persons, was repealed; but the clauses for the abolition of the obnoxious court, and for prohibiting the erection of any similar court, were expressly re-affirmed.[b] Such was the state of the law on this subject when James conceived the design of employing his authority as head of the Church of England, as a means of subjecting that church to his pleasure, if not of finally destroying it. It is hard to conceive how he could reconcile to his religion the exercise of supremacy in a heretical sect, and thus sanction by his example the usurpations of the Tudors on the rights of the Catholic church. It is equally difficult to conceive how he reconciled to his morality the employment for the destruction of a community of a power

[a] 17 Car. I. c. 11.

[b] 13 Car. II. c. 12.

with which he was intrusted by that community for its preservation. But the fatal error of believing it to be lawful to use bad means for good ends was not peculiar to James, nor to the zealots of his communion. He, indeed, considered the ecclesiastical supremacy as placed in his hands by Providence to enable him to betray the Protestant establishment. "God," said he to Barillon, "has permitted that all the laws made to establish Protestantism now serve as a foundation for my measures to re-establish true religion, and give me a right to exercise a more extensive power than other Catholic princes possess in the ecclesiastical affairs of their dominions."[a] He found legal advisers ready with paltry expedients for evading the two statutes of 1641 and 1660, under the futile pretext that they forbad only a court vested with such powers of corporal punishment as had been exercised by the old Court of High Commission; and in conformity to their pernicious counsel, he issued, in July[b], a commission to certain ministers, prelates, and judges, to act as a Court of Commissioners in Ecclesiastical Causes. The first purpose of this court was to enforce directions to preachers, issued by the King, enjoining them to abstain from preaching on controverted questions. It must be owned that an enemy of the Protestant religion, placed at the head of the church, could not adopt a more perfidious measure. He well knew that the Protestant clergy alone could consider his orders as of any authority. Those of his own persuasion, totally exempt from his supremacy, would pursue their course, secure of protection from him against the dangers of penal law. The Protestant clergy were forbidden by their enemy to maintain their religion by argument, when they justly regarded it as being in the greatest danger. They disregarded the injunction, and carried on the controversy against Popery with equal ability and success. Among many others, Sharpe, Dean of Norwich, had

Establishment of the Court of Commissioners for Ecclesiastical Causes.

[a] Barill. $\frac{12}{22}$ Juillet, 1686. Fox MSS. i. 139.

[b] Sealed 14 July, 1686. Evelyn.

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distinguished himself; and he was selected for punishment, on pretence that he had aggravated his disobedience by intemperate language, and by having spoken contemptuously of the understanding of all who could be seduced by the arguments for Popery, including of necessity the King himself, as if it were possible for a man of sincerity to speak on subjects of the deepest importance without a correspondent zeal and warmth. The mode of proceeding to punishment was altogether summary and arbitrary. Lord Sunderland communicated to the Bishop of London the King's commands, to suspend Sharpe from preaching. The Bishop answered that he could proceed only in a judicial manner; that he must hear Sharpe in his defence before such a suspension, but that Sharpe was ready to give every proof of deference to the King. The court, incensed at the parliamentary conduct of the Bishop, saw, with great delight, that he had given them an opportunity to humble and mortify him. Sunderland boasted to the papal minister, that the case of that Bishop would be a great example.[a] He was summoned before the Ecclesiastical Commission, and required to answer why he had not obeyed his Majesty's commands to suspend Sharpe for seditious preaching.[b] The Bishop conducted himself with considerable address. After several adjournments he tendered a plea to the jurisdiction, founded on the illegality of their commission, and he was heard by his counsel in vindication of his refusal to suspend an accused clergyman until he had been heard in his own defence. The King took a warm interest in the proceedings, and openly showed his joy at being in a condition to strike bold strokes of authority. He received congratulations on that subject with visible pleasure, and assured the French minister that the same vigorous system should be inflexibly pursued.[c] He did not conceal his resolution to

[a] "Il Re, sommamente intento a levare gli ostacoli, che possono impedire l'avanzamento della religione Cattolica, a trovato il mezzo-piu atto a mortificare il maltalento di Vescovo di Londra. Sara un gran buono e un gran esempio, come mi ha detto Milord Sunderland." D'Adda, $\frac{2 \text{ July,}}{12 \text{ Luglio,}}$ 1686.

[b] State Trials, xi. 1158.

[c] Barillon, $\frac{19}{29}$ July, 1686. Fox MSS. i. 140.

remove any of the commissioners who should not do "his duty."[a] The Princess of Orange interceded in vain with the King for her preceptor, Compton. The influence of the church party was strenuously exerted for that prelate. They were not, indeed, aided by the primate Sancroft, who, instead of either attending as a commissioner to support the Bishop of London, or openly protesting against the illegality of the court, petitioned for and obtained from the King leave to be excused from attendance on the ground of age and infirmities.[b] By this irresolute and equivocal conduct the Archbishop deserted the church in a moment of danger, and yet incurred the displeasure of the King. Lord Rochester resisted the suspension. He was supported by Sprat, Bishop of Rochester, and by Sir Edward Herbert. Even Jeffreys, for the first time, inclined towards the milder opinion; for neither his dissolute life, nor his judicial cruelty, however much at variance with the principles of religion, were, it seems, incompatible with that fidelity to the church, which on this and some subsequent occasions prevailed over his zeal for prerogative. A majority of the commissioners were for some time favourable to Compton. Sunderland, and Crew Bishop of Durham, were the only members of the commission who seconded the projects of the King.[c] The presence or protest of the primate might have produced the most decisive effects. Sunderland represented the authority of government as interested in the judgment, which, if it were not rigorous, would secure a triumph to a disobedient

[a] Barillon, $\frac{21 \text{ July,}}{1 \text{ Août,}}$ 1686. Fox MSS. i. 140.

[b] This petition is without a date in the Appendix to Clarendon's Diary. But it is a formal petition, which seems to imply a regular summons. No such summons could have issued before the 14th July, on which day Evelyn, as one of the commissioners of the privy seal, affixed it to the Ecclesiastical Commission. Sancroft's ambiguous petition was therefore subsequent to his knowledge of Compton's danger, so that the excuses of Dr. D'Oyley (Life of Sancroft, i. 225.) cannot be allowed.

[c] "L'Archevesque de Canterbury s'étoit excusé de se trouver à la Commission Ecclésiastique sur sa mauvaise santé et son grand âge. On a pris aussi ce prétexte pour l'exclure de la séance de conseil." Barillon, $\frac{10}{21}$ Oct. Fox MSS. i. 154.

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prelate, who had openly espoused the cause of faction. Rochester at length yielded, in the presence of the King, to whatever his Majesty might determine, giving it to be understood that he acted against his own conviction.[a] His followers made no longer any stand, after seeing the leader of their party, and the Lord High Treasurer of England, set the example of sacrificing his opinion as a judge, in favour of lenity, to the pleasure of the King; and the court finally pronounced sentence of suspension on the Bishop against the declared opinion of three fourths of its members.

The attempts of James to bestow toleration on his Catholic subjects would, doubtless, in themselves, deserve high commendation, if we could consider them apart from the intentions which they manifested, and from the laws of which they were a continued breach. But zealous Protestants, in the peculiar circumstances of the time, were, with reason, disposed to regard them as measures of hostility against their religion. Some of them must always be considered as daring or ostentatious manifestations of a determined purpose to exalt prerogative above law. A few days after the resolution of the council for the admission of Catholics to high civil trust, the first step was made to its execution by the appointment of the Lords Powys, Arundel, Bellasis, and Dover, to be privy counsellors. In a short time afterwards the same honour was conferred on Talbot, who was created Earl of Tyrconnel, and destined to be the Catholic Lord Lieutenant of Ireland. Sheffield, Earl of Mulgrave, a man who professed indifference in religion, but who acquiesced in all the worst measures of this reign, was appointed a member of the Ecclesiastical Commission.[b] Cartwright, Dean of Ripon, whose talents were disgraced by peculiarly infamous vices, was raised to the vacant bishopric of Chester, in

[a] Barillon, $\frac{6}{16}$ Sept. and $\frac{13}{23}$ Sept. 1686. Fox MSS. i. 149. 151.; a full and apparently accurate account of these divisions among the commissioners.

[b] D'Adda, in his letter, $\frac{21 \text{ Oct.}}{1 \text{ Nov.}}$ 1686, represents Mulgrave as favourable to the Catholics.

spite of the recommendation of Sancroft, who, when consulted by James, proposed Jeffreys, the chancellor's brother, for that see.[a] But the merit of Cartwright, which prevailed even over that connection, consisted in having preached a sermon, in which he inculcated the courtly doctrine, that the promises of kings were declarations of a favourable intention, not to be considered as morally binding. A resolution was taken to employ Catholic ministers at the two important stations of Paris and the Hague, "it being," said James to Barillon, "almost impossible to find an English Protestant who had not too great a consideration for the Prince of Orange."[b] White, an Irish Catholic of considerable ability, who had received the foreign title of Marquis D'Albyville, was sent to the Hague, partly, perhaps, with a view to mortify the Prince of Orange. It was foreseen that the known character of this adventurer would induce the Prince to make attempts to gain him; but Barillon advised his master to make liberal presents to the minister, who would prefer the bribes of Louis, because the views of that monarch agreed with those of his own sovereign and the interests of the Catholic religion.[c] James even proposed to the Prince of Orange to appoint a Catholic nobleman of Ireland, Lord Carlingford, to the command of the British regiments, a proposition which, if accepted, would embroil that Prince with all his friends in England, and if rejected, as it must have been known that it would be, gave the King a new pretext for displeasure to be avowed at a convenient season. But no part of the foreign policy of the King is so much connected with our

Intercourse with Rome.

[a] D'Oyley's Life of Sancroft, i. 235., where the Archbishop's letter to the King (dated 29th July, 1685,) is printed.

[b] Barillon, $\frac{12}{22}$ Juill. 1686.

[c] "M. le Prince d'Orange fera ce qu'il pourra pour le gagner; mais je suis persuadé qu'il aimera mieux être dans les intérêts de votre Majesté, sachant bien qu'ils sont conformés à ceux du Roi son maître, et que c'est l'avantage de la religion Catholique." Four thousand livres, which Barillon calculates as then equivalent to three hundred pounds sterling, were given to D'Albyville in London. Two thousand more were to be advanced to him at the Hague. Bar. $\frac{22 \text{ August,}}{2 \text{ Sept.}}$ 1686. Fox MSS. i. 147.

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present subject as the renewal of that open intercourse with the See of Rome which was prohibited by the unrepealed laws passed in the reigns of Henry VIII. and Elizabeth. Monsignor D'Adda had arrived in England before the meeting of parliament, as the minister of the Pope, but appeared at court in the beginning only as a private gentleman. In a short time, James informed him that he might assume the public character of his Holiness's minister, with the privilege of a chapel in his house, and the other honours and immunities of that character, without going through the formalities of a public audience. The assumption of this character James represented as the more proper, because he was about to send a solemn embassy to Rome as his Holiness's most obedient son.[a] D'Adda professed great admiration for the pious zeal and filial obedience of the King, and for his determination, as far as possible, to restore religion to her ancient splendour[b]; but he dreaded the precipitate measures to which James was prompted by his own disposition and by the party of zealots who surrounded him. He did not assume the public character till two months afterwards, when he received instructions to that effect from Rome. Hitherto the King had coloured his interchange of ministers with the Roman court under the plausible pretext of maintaining diplomatic intercourse with the government of the Ecclesiastical State as much as with the other princes of Europe. But his zeal soon became impatient of this slight disguise. In a few days after D'Adda had announced his intention to assume the public character of a minister, Sunderland came to him to convey his Majesty's desire that he might take the title of nuncio, which would, in a more formal and solemn manner, distinguish him from other ministers as the representative of the Apostolic See. D'Adda was surprised at this rash proposal.[c]

[a] D'Adda, $\frac{4}{14}$ Dec. 1685.

[b] Id. $\frac{21}{31}$ Dec. 1685.

[c] Id. $\frac{12}{22}$ Feb. 1686. "Io restar alquanto sorpreso da questo ambasciato.

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The court of Rome long hesitated, from aversion to the foreign policy of James, from a wish to moderate rather than encourage the precipitation of his domestic counsels, and from apprehension of the insults which might be offered to the Holy See, in the sacred person of its nuncio, by the turbulent and heretical populace of London.

The King had sent the Earl of Castlemain, the husband of the Duchess of Cleveland, as his ambassador to Rome. "It seemed singular," said Barillon, "that he should have chosen for such a mission a man so little known on his own account, and too well known on that of his wife."[a] The ambassador, who had been a polemical writer in defence of the Catholics[b], and who was almost the only innocent man acquitted on the prosecutions for the Popish plot, seems to have listened more to zeal and resentment than to discretion in the conduct of his delicate negotiation. He probably expected to find nothing but religious zeal prevalent at the papal councils. But Innocent XI. was influenced by his character as a temporal sovereign. He considered James not solely as an obedient son of the church, but rather as the devoted or subservient ally of Louis XIV. As Prince of the Roman state, he resented the outrages offered to him by that monarch, and partook with all other states the dread justly inspired by his ambition and his power. Even as head of the church, the merits of Louis as the persecutor of the Protestants[c] did not, in the eye of Innocent, atone for his encouraging the Gallican church in their recent resistance to the unlimited authority of the Roman pontiff. These discordant feelings and embroiled interests, which it would have required the utmost

[a] Barillon, $\frac{19}{29}$ Oct. 1685. Fox, Appendix, cxxii.

[b] Dod, Ch. Hist. 450.

[c] It appears by the copy of a letter in my possession from Don Pedro Ronquillo, the Spanish ambassador in London, to Don Francesco Bernado de Quixos, $\frac{26 \text{ March,}}{5 \text{ April,}}$ 1686, that Innocent, though he publicly applauded the zeal of Louis, did not in truth approve the revocation of the edict of Nantes.

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address and temper to reconcile, were treated by Castlemain with the rude hand of an inexperienced zealot. Hoping, probably, to be received with open arms as the forerunner of the reconciliation of a great kingdom, he was displeased at the reserve and coldness with which the pontiff treated him, and instead of patiently labouring to overcome obstacles which he ought to have foreseen, he resented them with a violence more than commonly foreign from the decorum of the papal court. He was instructed to solicit a cardinal's hat for Prince Rinaldo of Este, the Queen's brother; a moderate suit, the consent to which was for a considerable time retarded from an apprehension of strengthening the French interest in the sacred college. The second request was that the Pope would confer a titular bishoprick[a] on Edward Petre, an English Jesuit of noble family, who, though not formally the King's confessor[b], had more influence on his mind than any other ecclesiastic. This honour was desired in order to qualify this gentleman for performing with more dignity the duties of dean of the Chapel Royal. Innocent declined, on the ground that the Jesuits were prohibited by their institution to accept bishopricks, and that he should sooner make a Jesuit a cardinal than a bishop. But as the popes had often dispensed with this prohibition, Petre himself rightly conjectured that the ascendant of the Austrian party at Rome, who looked on him with an evil eye as a partisan of France, was the true cause of the refusal.[c] The King afterwards solicited for his favourite the higher dignity of cardinal. But he was finally refused, though with profuse civility[d], from the same motive, but under the pretence that there had been no Jesuit cardinal since Bellarmine, the great controversialist of the Roman Catholic church.[e] Besides these

[a] "In partibus infidelium," as it is called. Barill. $\frac{17}{27}$ June, 1686. Fox MSS. i. 130.

[b] This office was held by a learned Jesuit, named Warner. Dod, Ch. Hist. iii. 491.

[c] Barillon, $\frac{22 \text{ Nov.}}{2 \text{ Dec.}}$ 1686. Fox MSS. i. 160.

[d] Dod, Ch. Hist. iii. 511., where the official correspondence in 1687 is published.

[e] D'Adda, $\frac{28 \text{ July,}}{8 \text{ Agosto,}}$ 1687.

personal objects, Castlemain laboured to reconcile the Pope to Louis XIV., and to procure the interposition of Innocent for the preservation of the general peace. But of these objects, specious as they were, the attainment of the first would strengthen France, and that of the second imported a general acquiescence in her unjust aggrandizement. Even the triumph of monarchy and popery in England, together with the projects already entertained for the suppression of the Northern heresy, as the Reformation was then called, and for the conquest of Holland, which was considered as a nest of heretics, could not fail to alarm the most zealous of those Catholic powers who dreaded the power of Louis, and were averse to strengthen his allies. It was impossible that intelligence of such suggestions at Rome should not immediately reach the courts of Vienna and Madrid, or should not be communicated by them to the Prince of Orange. Castlemain suffered himself to be engaged in contests for precedency with the Spanish minister, which served, and were perhaps intended, to embroil him more deeply with the Pope. James at first resented the refusal to promote Petre[a], and for a time seemed to espouse the quarrel of his ambassador. D'Adda was obliged, by his station, and by his intercourse with Lord Sunderland, to keep up friendly appearances with Petre, but Barillon easily discovered that the papal minister disliked that Jesuit and his order, whom he considered as devoted to France.[b] The Pope instructed his minister to complain of the conduct of Castlemain, as very ill becoming the representative of so pious and so prudent a king. D'Adda made this representation to James at a private audience where the Queen and Lord Sunderland were present. That zealous princess, with more fervour than dignity, often interrupted his narrative by exclamations of horror at the liberty with which a Catholic

[a] Barillon, $\frac{22 \text{ Nov.}}{2 \text{ Dec.}}$ ubi suprà.

[b] Barillon, $\frac{7}{17}$ June, 1686. Fox MSS. 133. Barillon, $\frac{28 \text{ Feb.}}{10 \text{ Mar.}}$ 1687. Fox, i. 174.

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minister had spoken to the successor of St. Peter.[a] Lord Sunderland said to him, "The King will do whatever you please." James professed the most unbounded devotion to the Holy See; and assured D'Adda that he would write a letter to his Holiness, to express his regret for the unbecoming conduct of his ambassador.[b] When this submission was made, Innocent formally forgave Castlemain for his indiscreet zeal in promoting the wishes of his sovereign[c]; and James publicly announced the admission of his ambassador at Rome into the Privy Council, both to console the unfortunate minister, and the more to show how much he set at defiance the laws which forbade both the embassy and the preferment.[d]

[a] D'Adda, $\frac{13}{23}$ May, 1687. "Jesu, e possibile!"

[b] D'Adda, $\frac{20 \text{ May}}{30 \text{ May}}$ and $\frac{27 \text{ May},}{6 \text{ Guig.}}$ 1687.

[c] Letter of Innocent XI. to James, 16 Aug. 1687.

CHAP. III.

STATE OF THE ARMY. — ATTEMPTS OF THE KING TO CONVERT THE ARMY. — THE PRINCESS ANNE. — DRYDEN. — LORD MIDDLETON AND OTHERS. — REVOCATION OF THE EDICT OF NANTES. — ATTEMPT TO CONVERT ROCHESTER. — CONDUCT OF THE QUEEN. — RELIGIOUS CONFERENCE. — FAILURE OF THE ATTEMPT. — HIS DISMISSAL.

DURING the summer, the King had assembled a body of 15,000 troops, who were encamped on Hounslow Heath; a spectacle new to the people of England, who, though full of martial spirit, have never regarded with favour the separate profession of arms.[a] He viewed this encampment with a complacency natural to princes, and he expressed his feelings to the Prince of Orange in a tone of no friendly boast.[b] He caressed the officers, and he openly declared that he should keep none but those on whom he could rely.[c] A Catholic chapel was opened on the camp, and missionaries were distributed among the soldiers. The numbers of the army rendered it an object of very serious consideration. Supposing it to be only 32,000 in England and Scotland, it was double the number kept up in Great Britain in the year 1792,

[a] The army, on the 1st of January, 1685, amounted to 19,978. Accounts in the War Office. The number of the army in Great Britain in 1824 is 22,019 (Army Estimates), the population being 14,391,681 (Population Returns); which gives a proportion of nearly one out of every 654 persons, or of one soldier out of every 160 men of the fighting age. The population of England and Wales, in 1685, not exceeding five millions, the proportion of the army to it was one soldier to every 250 persons, or of one soldier to every sixty-five men of the fighting age. Scotland, in 1685, had a separate establishment. The army of James, at his accession, therefore, was more than twice and a half greater in comparison with the population than the present force (1822). The comparative wealth, if it could be estimated, would probably afford similar results.

[b] James to the Prince of Orange, 29 June, 1686. Dalry, Appendix to Books iii. & iv.

[c] Barillon, 8 July, 1686. Dalry. Id.

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when the population of the island had certainly more than doubled. As it was kept on foot without consent of parliament, there was no limit to its numbers, but the means of supporting it possessed by the King; which might be derived from the misapplication of funds granted for other purposes, or be supplied by foreign powers interested in destroying the liberties of the kingdom. The means of governing this army were at first a source of perplexity to the King; but, in the sequel, a new object of apprehension to the people. The petition of right, in affirmance of the ancient laws, had forbidden the exercise of martial law within the kingdom.[a] The ancient mode of establishing those summary jurisdictions and punishments which seem to be necessary to secure the obedience of armies was, in a great measure, wanting. The servile ingenuity of aspiring lawyers was, therefore, set at work to devise some new expedient for more easily destroying the constitution, according to the forms of law. For this purpose they revived the provisions of some ancient statutes[b], which had made desertion a capital felony, though these statutes were, in the opinion of the best lawyers, either repealed, or confined to soldiers serving in the case of actual or immediately impending hostilities. Even this device did not provide the means of punishing the other military offences, which are so dangerous to the order of armies, that there can be little doubt of their having been actually punished by other means, however confessedly illegal. Several soldiers were tried, convicted, and executed for the felony of desertion; and the scruples of Judges on the legality of these proceedings induced the King more than once to recur to his ordinary measure for the purification of tribunals, by the removal of the Judges, and by the dismissal from the recordership of London of Sir John Holt, who was destined, in better times, to be one of the most inflexible guardians of the laws. The only person who ventured to express the general

[a] Statute 3 Charles I. c. 1.

[b] 7 H. VII. c. 1. 3 H. VIII. c. 5.; & 2 & 3 Edw. VI. c. 2. Hale, Pleas of the Crown, Book i. c. 63.

feeling respecting the army was Mr. Samuel Johnson, who had been chaplain to Lord Russell, and who was then in prison for a work which he published some years before against the succession of James, under the title of Julian the Apostate.[a] He now wrote, and sent to an agent to be dispersed (for there was no proof of actual dispersion or sale[b]), an address to the army, expostulating with them on the danger of serving under illegally commissioned officers, and for objects inconsistent with the safety of their country. He also wrote another paper, in which he asserted that "resistance may be used in case our religion or our rights should be invaded." For these acts he was tried, convicted, and sentenced to pay a small fine, to be thrice pilloried, and to be whipped by the common hangman from Newgate to Tyburn. For both these publications, his spirit was, doubtless, deserving of the highest applause. The prosecution in the first case can hardly be condemned, and the conviction still less. But the cruelty of the punishment reflects the highest dishonour on the Judges, more especially on Sir Edward Herbert, whose high pretensions to morality and humanity deeply aggravate the guilt of his concurrence in this atrocious judgment.

Previous to the infliction of the punishment, he was degraded from his sacred character by Crew, Sprat, and White, three bishops authorised to exercise ecclesiastical jurisdiction in the diocese of London during the suspension of Compton. When, as part of the formality, the Bible was taken out of his hands, he struggled to preserve it, and, bursting into tears, cried out, "You cannot take from me the consolation contained in the sacred volume." The barbarous judgment was "executed with great rigour and cruelty."[c] In the course of a painful and ignominious progress of two miles through crowded streets, he received 317 stripes, inflicted with a whip of nine cords knotted. It will be a consolation to the

[a] State Trials, xi. 1339.

[b] In fact, however, many were dispersed. Kennett, iii. 450.

[c] Comm. Journ. 24 June, 1690. These are the words of the Report of a Committee who examined evidence on the case, and whose resolutions were adopted by the house. They sufficiently show that Echard's extenuating statements are false.

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reader, as soon as he has perused the narrative of these enormities, to learn, though with some disturbance to the order of time, that amends were in some measure made to Mr. Johnson, and that his persecutors were reduced to the bitter mortification of humbling themselves before their victim. After the Revolution, the judgment pronounced on him was voted by the House of Commons to be illegal and cruel.[a] Crew, Bishop of Durham, one of the commissioners who deprived him, made him a considerable compensation in money[b]; and Withins, the Judge who delivered the sentence, counterfeited a dangerous illness, and pretended that his dying hours were disturbed by the remembrance of what he had done, in order to betray Johnson, through his humane and Christian feelings, into such a declaration of forgiveness as might contribute to shelter the cruel Judge from further animadversion.[c]

The desire of the King to propagate his religion was a natural consequence of zealous attachment to it. But it was a very dangerous quality in a monarch, especially when the principles of religious liberty were not adopted by any European government. The royal apostle is seldom convinced of the good faith of the opponent whom he has failed to convert. He soon persuades himself that the pertinacity of the heretic arises more from the depravity of his nature than from the errors of his judgment. He first shows displeasure to his perverse antagonists; he then withdraws advantages from them; he, in many cases, may think it reasonable to bring them to reflection by some degree of hardship; and the disappointed disputant may at last degenerate into a furious persecutor. The attempt to convert the army was peculiarly dangerous to the King's own object. He boasted of the number of converts in one of his regiments of Guards, without considering the consequences of teaching controversy to an army. The political canvas carried on among the officers, and the con-

[a] Comm. Journ. ubi supra.
[b] Narciss. Lutterell, February, 1690.
[c] State Trials, xi. 1354.

troversial sermons preached to the soldiers, probably contributed to awaken that spirit of enquiry and discussion in his camp which he ought to have dreaded as his most formidable enemy. He early destined the revenue of the Archbishop of York to be a provision for converts.[a] He probably was sincere in his professions, that he meant only to make it a provision for those who had sacrificed interest to religion. But experience shows how easily such a provision swells into a reward, and how naturally it at length becomes a premium for hypocrisy. It was natural that his passion for proselytes should show itself towards his own children. The Pope, in his conversations with Lord Castlemain, said, that without the conversion of the Princess Anne, no advantage obtained for the Catholic religion could be permanently secured.[b] The King assented to this opinion, and had, indeed, before attempted to dispose his daughter favourably to his religion, influenced probably by parental kindness, which was one of his best qualities.[c] He must have considered as hopeless the case of his eldest daughter, early removed from her father, and the submissive as well as affectionate wife of a husband of decisive character, and who was the leader of the Protestant cause. To Anne, therefore, his attention was turned. But with her he found insurmountable difficulties. Both these princesses, after their father had become a Catholic, were considered as the hope of the Protestant religion, and accordingly trained in the utmost horror of popery. Their partialities and resentments were regulated by difference of religion; their political importance and their splendid prospects were dependent on the Protestant church. Anne was surrounded by zealous churchmen; she was animated by her preceptor Compton; her favourites Lord and Lady Churchill had become determined partisans of Protestantism; and the King found,

[a] D'Adda, $\frac{30 \text{ April,}}{10 \text{ Maggio,}}$ 1686,

[b] Barillon, $\frac{17 \text{ June,}}{27 \text{ June,}}$ 1686. Fox MSS. i. 134.

[c] D'Adda, $\frac{30 \text{ April,}}{10 \text{ Maggio,}}$ 1686.

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in the obstinacy of his daughter's character, a resistance hardly to be apprehended from a young princess of slight understanding.[a] Some of the reasons of this zeal for converting her clearly show that, whether the succession was actually held out to her as a lure or not, at least there was an intention, that if she became a Catholic she should be preferred to the Princess of Orange. Bonrepaux, a French minister of ability, who has been already mentioned, had indeed, at a somewhat earlier period, tried the effect of that temptation on her husband, Prince George.[b] He ventured to ask his friend the Danish envoy, "whether the Prince had any ambition to raise his consort to the throne at the expense of the Princess, which seemed to be practicable if he became a Catholic." The envoy hinted this bold suggestion to the Prince, who appeared to receive it well, and even showed a willingness to be instructed on the controverted questions. Bonrepaux found means to supply the Princess with Catholic books, which, for a moment, she showed some willingness to consider. He represented her to his court as timid and silent, but ambitious and of some talent, with a violent hatred for the Queen. He reported his attempts to the King, who listened to him with the utmost pleasure; and the subtle diplomatist observes, that, though he might fail in the conversion, he should certainly gain the good graces of James by the effort, which his knowledge of that monarch's hatred of the Prince of Orange had been his chief inducement to hazard.

The success of the King himself, in his attempts to make proselytes, was less than might have been expected from his zeal and influence. Parker, originally a zealous Nonconformist, afterwards a slanderous buffoon, and an Episcopalian of persecuting principles, earned the bishopric of Oxford by showing a strong disposition to favour, if not to be reconciled to, the Church of Rome. Two bishops publicly visited Mr. Leyburn the Catholic prelate,

[a] Barillon, ubi suprà.

[b] Bonrepaux à Seignelai, $\frac{18 \text{ March,}}{28 \text{ Mars,}}$ 1686. Fox MSS. i. 95.

at his apartments in St. James's Palace, on his being made almoner to the King, when it was, unhappily, impossible to impute their conduct to liberality or charity.[a] Walker, the master of University College in Oxford, and three of the fellows of that society, were the earliest and most noted of the few open converts among the clergy. L'Estrange, though he had for five-and-twenty years written all the scurrilous libels of the court, refused to abandon the Protestant Church. Dryden, indeed, conformed to the doctrines of his master[b]; and neither the critical time, nor his general character, have been sufficient to deter some of the admirers of that great poet from seriously maintaining that his conversion was real. The same persons who make this stand for the conscientious character of the poet of a profligate court, have laboured with all their might to discover and exaggerate those human frailties from which fervid piety and intrepid integrity did not altogether preserve Milton, in the evil days of his age, and poverty, and blindness.[c] The King failed in a personal attempt to convert Lord Dartmouth, whom he considered as his most faithful servant for having advised him to bring Irish troops into England, as they were more worthy of trust than others[d]; a remarkable instance of a man of honour who adhered inflexibly to the Church of

[a] D'Adda, $\frac{11 \text{ January,}}{21 \text{ Jenn,}}$ 1686. The King and Queen took the sacrament at St. James's Chapel. "Portando la Spado avanti S. M. il Duca di Gordon, Scozzese Cattolico, Monsigre Vescovo Leyburn, e passato da alcuni giorni nell' apartemento de St. James destinato al gran Elimosiniere de S. M. in habito lungo nero portando la croce nera, si fa vedere in publico visitandolo ministri de Principi e altri: furono un giorno per fargli una visita due vescovi Protestanti." As this occurred before the promotion of the two profligate prelates, Parker and Cartwright, one of these visitors must have been Crew, and the other was, too probably, Spratt. The former had been appointed Clerk of the Closet and Dean of the Chapel Royal a few days before.

[b] "Dryden, the famous play-writer, and his two sons, and Mrs. Nelly, were said to go to mass. Such proselytes were no great loss to the church." Evelyn, i. 594. 19 Jan. 1686. The rumour, as far as it related to Mrs. Gwynne, was calumnious.

[c] Compare Dr. Johnson's biography of Milton with his generally excellent life of Dryden.

[d] D'Adda, $\frac{30 \text{ April,}}{10 \text{ Maggio,}}$ 1686. "Diceva il Re che il detto Milord veramente gli aveva dato consigli molto fedeli, uno di quelle era stato di far venire truppi Irlandesi in Inghilterra, nelle quali poteva S. M. meglio fidarsi che negle altri."

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England, though his counsels relating to civil affairs were the most fatal to public liberty. Middleton, one of the secretaries of state, a man of ability, supposed to have no strong principles of religion, was equally inflexible. The Catholic divine who was sent to him began by attempting to reconcile his understanding to the mysterious doctrine of transubstantiation. "Your Lordship," said he, "believes the Trinity."—"Who told you so?" answered Middleton. "You are come here to prove your own opinions, not to ask about mine." The astonished priest is said to have immediately retired. Sheffield, Earl of Mulgrave, is also said to have sent away a monk who came to convert him by a jest upon the same doctrine:—"I have convinced myself," said he, "by much reflection that God made man; but I cannot believe that man can make God." But though there is no reason to doubt his pleasantry or profaneness, his integrity is more questionable. He was made lord chamberlain immediately after Jeffrey's circuit.[a] He was appointed a member of the Ecclesiastical Commission when Sancroft refused to act.[b] He continued in that office to the last. He held hopes that he might be converted to a very late period of the reign.[c] He was employed by James to persuade Sir George Mackenzie to consent to the removal of the test.[d] He brought a patent for a marquisate to the King when on the eve of quitting the kingdom[e]; and in the month of October, 1688, he thought it necessary to provide against the approaching storm by obtaining a general pardon.[f] Colonel Kirke, from whom strong scruples were hardly

[a] Lond. Gaz. 21st Oct. 1685, the day of Mrs. Gaunt's execution.

[b] Com. Journ. 4th June, 1689. The first commission passed the Great Seal on the 15th July, 1685; the second, in which Mulgrave is substituted for Sancroft, on the 22d of November, in the same year. Mulgrave's name continues in the last commission, 14th Oct. 1687.

[c] Barillon, $\frac{20 \text{ August,}}{30 \text{ Août,}}$ 1687. Fox MSS. i. 199. "Il est assez apparent qu'il a donné les assurances au Roi d'Angleterre de se déclarer Catholique; mais il diffère de le faire, et ceux qui le connoissent davantage croient qu'il ne le fera plus."

[d] Halifax MS. [e] Id. ibid. "Half an hour before King James went away."

[f] State Paper Office. Had not Lord Mulgrave written some memoirs of his own time, his importance as a statesman would not have deserved so full an exposure of his political character.

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to be expected, is said to have answered the King's desire, that he would listen to Catholic divines, by declaring, that when he was at Tangier he had engaged himself to the Emperor of Morocco, if ever he changed his religion, to become a Mahometan. Lord Churchill, though neither insensible to the kindness of James, nor distinguished by a strict conformity to the precepts of religion, withstood the attempts of his generous benefactor to bring him over to the church of Rome. He said of himself, that though he had not led the life of a saint, he trusted that he had the courage to die the death of a martyr.[a]

So much constancy in religious opinion may seem singular among courtiers and soldiers: but it must be considered, that the inconsistency of men's actions with their opinions is more often due to infirmity than to insincerity; that the members of the Protestant party were restrained from deserting it by principles of honour; and that the disgrace of desertion was much aggravated by the general unpopularity of the adverse cause, and by the violent animosity then raging between the two parties who divided England and Europe.

Revocation of the edict of Nantes.

Nothing so much excited the abhorrence of all Protestant nations against Louis XIV. as the measures which he adopted against his subjects of the Protestant religion. As his policy on that subject contributed to the downfal of James, it seems proper to state it more fully than the internal occurrences of a foreign country ought generally to be treated in English history. The opinions of the Reformers, which triumphed in some countries of Europe, and were wholly banished from others, had very early divided France and Germany into two powerful but unequal parties. The wars between the princes of the empire which sprung from this source, after a period of 150 years, were finally composed by the treaty of Westphalia. In France, where religious enthusiasm was exasperated by the lawless character and mortal animosities of civil war, these hostilities raged for near forty years

[a] Lord Churchill to Prince of Orange. Cox's Mem.

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with a violence unparalleled in any civilised age or country. As soon as Henry IV. had established his authority by conformity to the worship of the majority of his people, the first object of his paternal policy was to secure the liberty of the Protestants, and to restore the quiet of the kingdom by a general law on this equally arduous and important subject. The contending opinions in their nature admitted no negotiation or concession. The simple and effectual expedient of permitting them all to be professed with equal freedom was then untried in practice, and almost unknown in speculation. The toleration of error, according to the received principles of that age, differed little from the permission of crimes. Amidst such opinions it was extremely difficult to frame a specific law for the government of hostile sects; and the edict of Nantes, passed by Henry for that purpose in the year 1598, must be considered as honourable to the wisdom and virtue of his Catholic counsellors. This edict[a], said to be composed by the great historian De Thou, was founded on the principle of a treaty of peace between belligerent parties, sanctioned and enforced by the royal authority. Though the transaction was founded merely in humanity and prudence, without any reference to religious liberty, some of its provisions were conformable to the legitimate results of that great principle. All Frenchmen of the reformed religion were declared to be admissible to every office, civil and military, in the kingdom; and they were received into all schools and colleges without distinction. Dissent from the Established Church was exempted from all penalty or civil inconvenience. The public exercise of the Protestant religion was confined to those cities and towns where it had been formerly granted, and to the mansions of the gentry who had seignorial jurisdiction over capital crimes. It might, however, be practised in other places by the permission of the Catholics, who were lords of the respective manors. Wherever the worship of the Protestants was lawful, their religious books

[a] The original edict is to be found in Benoit, Hist. de l'Edit de Nantes, Appendix, p. 62—85.

might freely be bought and sold. They might inhabit any part of the kingdom without molestation for their opinion; and private worship was every where protected by the exemption of their houses from all legal search on account of religion. These restrictions, though they show the edict to be a pacification between parties, with little regard to the conscience of individuals, yet do not seem in practice to have much limited the religious liberty of French Protestants.

To secure an impartial administration of justice, chambers, in which Protestants and Catholics were in equal numbers, were established in the principal parliaments.[a] The edict was declared to be a perpetual and irrevocable law. By a separate grant executed at Nantes, the King authorised the Protestants, for eight years, to garrison the towns and places of which they were at that time in military possession, and to hold them under his authority and obedience. The possession of these places of security was afterwards continued from time to time, and the expense of their garrisons defrayed by the crown. Some cities also, where the majority of the inhabitants were Protestants, and where the magistrates, by the ancient constitution, regulated the armed force, with little dependence on the crown, such as Nismes, Rochelle, and Montauban[b], though not formally garrisoned by the reformed, still constituted a part of their military security for the observance of the edict. An armed sect of dissenters must have afforded many plausible pretexts for attacking them; and Cardinal Richelieu had justifiable reasons of policy for depriving the Protestants of those important fortresses, the possession of which gave them the character of an independent republic, and naturally led them into dangerous connection with Protestant and rival states. His success in accomplishing that important enterprise is one of the most splendid parts of his administration; though he owed the reduction of Rochelle to the feebleness and lukewarmness, if not

[a] Paris, Thoulouse, Grenoble, and Bourdeaux. The Chambers of the Edict at Paris took cognizance of all causes where Protestants were parties in Normandy and Britany.

[b] Cautionary towns. — "La Rochelle surtout avait des traités avec les Rois de France qui la rendoient presque indépendante." Benoit, 251.

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to the treachery, of the court of England. Richelieu discontinued the practice of granting the royal licence to the Protestant body to hold political assemblies; and he adopted it as a maxim of permanent policy, that the highest dignities of the army and the state should be granted to Protestants only in cases of extraordinary merit. In other respects that haughty minister treated the Protestants as a mild conqueror. When they were reduced to entire submission, in 1629, an edict of pardon was issued at Nismes, confirming all the civil and religious principles which had been granted by the edict of Nantes.[a] At the moment that they were reduced to the situation of private subjects, they disappear from the history of France. They are not mentioned in the dissensions which disturbed the minority of Louis XIV. They are not named by that Prince in the enumeration which he gives of objects of public anxiety at the period which preceded his assumption of the reins of government, in 1660. The great families attached to them by birth and honour during civil war were gradually allured to the religion of the court; while those of inferior condition, like the members of other sects excluded from power, applied themselves to the pursuit of wealth, and were patronised by Colbert as the most ingenious manufacturers in France. A declaration, prohibiting the relapse of converted Protestants under pain of confiscation, indicated a disposition to persecute, which that prudent minister had the good fortune to check. An edict punishing emigration with death, though long after turned into the sharpest instrument of intolerance, seems originally to have flowed solely from the general prejudices on that subject, which have infected the laws and policy of most states. Till the peace of Nimeguen, when Louis had reached the zenith of his power, the French Protestants experienced only those minute vexations from which sectaries, discouraged by a

[a] Benoit, Hist. de l'Edit de Nantes, ii. App. 92. (Madame de Ducas, the sister of Turenne, was so zealous a Protestant that she wished to educate as a minister her son, who afterwards went to England, and became Lord Feversham. Benoit, Hist. de l'Edit, iv. 129.)

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government are seldom secure. The immediate cause of a general and open departure from the moderate system, under which France had enjoyed undisturbed quiet for half a century, is to be discerned only in the character of the King, and the inconsistency of his conduct with his opinions. Those conflicts between his disorderly passions and his unenlightened devotion, which had long agitated his mind, were at last composed under the ascendant of Madame de Maintenon; and in this situation he was seized with a desire of signalising his penitence, and atoning for his sins, by the conversion of his heretical subjects.[a] The prudence as well as moderation of Madame de Maintenon prevented her from counselling the employment of violence against the members of her former religion, nor do such means appear to have been distinctly contemplated by the King; still she dared not moderate the zeal on which her greatness was founded. But the passion for conversion, armed with absolute power, fortified by the sanction of mistaken conscience, intoxicated by success, exasperated by resistance, anticipated and carried beyond its purpose by the zeal of subaltern agents, deceived by their false representations, and often irrevocably engaged by their rash acts, too warm to be considerate in choosing means or weighing consequences, led the government of France, under a prince of no cruel nature, by an almost unconscious progress, in the short space of six years, from a successful system of toleration to the most unprovoked and furious persecution ever carried on against so great, so innocent, and so meritorious a body of men. The Chambers of the Edict were suppressed on general grounds of judicial reformation, and because the concord between the two religions rendered them no longer necessary. By a series of edicts the Protestants were excluded from all public offices, and from all professions which were said to give them a dangerous influence over opinion. They

[a] "Le Roi pense sérieusement à la conversion des hérétiques, et dans peu on y travaillera tout de bon." Lettre de Mad. de Maintenon, Oct. 28. 1679.

The work of M. de Rulhière on the Causes of the Revocation of the Edict of Nantes (Paris, 1788), first made known the fatal history of this fatal transaction.

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were successively rendered incapable of being judges, advocates, attorneys, notaries, clerks, officers, or even attendants of courts of law. They were banished in multitudes from places in the revenue, to which their habit of method and calculation had directed their pursuits. They were forbidden to exercise the occupations of printers and booksellers.[a] Even the pacific and neutral profession of medicine, down to its humblest branches, was closed to their industry. They were prohibited from intermarriage with Catholics, and from hiring Catholic domestics, without exception of convenience or necessity. Multitudes of men were thus driven from their employments, without any regard to their habits, expectations, and plans, which they had formed on the faith of the laws. Besides the misery which immediately flowed from these acts of injustice, they roused and stimulated the bigotry of those, who need only the slightest mark of the temper of government to inflict on their dissenting countrymen those minute but ceaseless vexations which embitter the daily course of human life.

As the edict of Nantes had only permitted the public worship of Protestants in certain places, it had often been a question whether particular churches were erected conformably to that law. The renewal and multiplication of suits on this subject furnished the means of striking a dangerous blow against the reformed religion. Prejudice and servile tribunals adjudged multitudes of churches to be demolished by decrees which were often illegal, and always unjust. By these judgments a hundred thousand Protestants were, in fact, prohibited from the exercise of their religion. They were deprived of the means of educating their clergy by the suppression of their flourishing colleges at Sedan, Saumur, and Montauban, which had long been numbered among the chief ornaments of Protestant Europe. Other expedients were devised to pursue them into their families, and harass them in those situations where the disturbance of quiet inflicts the deepest wounds on human nature. The local judges were authorised and

[a] It is singular that they were not excluded from the military service by sea or land.

directed to visit the death-beds of Protestants, and to interrogate them whether they determined to die in obstinate heresy. Their children were declared competent to abjure their errors at the age of seven; and by such mockery of conversion they might escape, at that age, from the affectionate care of their parents. Every childish sport was received as evidence of abjuration. Every parent dreaded the presence of a Catholic neighbour, as the means of ensnaring a child into irrevocable alienation. Each of these disabilities or severities was inflicted by a separate edict; and each was founded on the allegation of some special grounds, which seemed to guard against any general conclusion at variance with the privileges of Protestants.

On the other hand, a third of the King's savings on his privy purse was set apart to recompense converts to the established religion. The new converts were allowed a delay of three years for the payment of their debts; and they were exempted for the same period from the obligation of affording quarters to soldiers. This last privilege seems to have suggested to Louvois, a minister of great talent but of tyrannical character, a new and more terrible instrument of conversion. He despatched regiments of dragoons into the Protestant provinces, with instructions that they should be almost entirely quartered on the richer Protestants. This practice, which afterwards, under the name of *Dragonnades*, became so infamous throughout Europe, was attended by all the outrages and barbarities to be expected from a licentious soldiery let loose on those whom they considered as the enemies of their King, and the blasphemers of their religion. Its effects became soon conspicuous in the feigned conversion of great cities and extensive provinces; which, instead of opening the eyes of the government to the atrocity of the policy adopted under its sanction, served only to create a deplorable expectation of easy, immediate, and complete success. At Nismes, 60,000 Protestants abjured their religion in three days.[a] The King was informed

[a] Mém. de Chan. D'Aguesseau.

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by one despatch that all Poitou was converted, and that in some parts of Dauphiné the same change had been produced by the terror of the dragoons without their actual presence.[a]

All these expedients of disfranchisement, chicane, vexation, seduction, and military licence, almost amounting to military execution, were combined with declarations of respect for the edict of Nantes, and of resolutions to maintain the religious rights of the new churches. Every successive edict spoke the language of toleration and liberality. Every separate exclusion was justified on a distinct ground of specious policy. The most severe hardships were plausibly represented as necessarily arising from a just interpretation and administration of the law. Many of the restrictions were in themselves small; many tried in one province, and slowly extended to all; some apparently excused by the impatience of the sufferers under preceding restraints. In the end, however, the unhappy Protestants saw themselves surrounded by a persecution which, in its full extent, had probably never been contemplated by the author; and, after all the privilèges were destroyed, nothing remained but the formality of repealing the law by which these privileges had been conferred. At length, on the 18th of October, 1685, the government of France, not unwillingly deceived by feigned conversions, and, as it now appears, actuated more by sudden impulse than long-premeditated design, revoked the edict of Nantes. In the preamble of the edict of revocation it was alleged, that, as the better and greater part of those who professed the pretended reformed religion had embraced the Catholic faith, the edict of Nantes had become unnecessary. The ministers of the reformed faith were banished from France, in fifteen days, under pain of the galleys. All Protestant schools were shut up; and the unconverted were to remain in France, without annoyance on account of their religion. Soon after, the children of Protestants, from five to sixteen, were ordered to be taken from their parents, and committed to the

[a] Mém. de Dangeau in Lemontey, Mém. de Louis XIV. The fate of the province of Bearn was peculiarly dreadful. It may be seen in Rulhière and Benoit.

care of their nearest Catholic relations, or, in default of such relations, to the magistrates. The return of the exiled ministers, and the attendance on a Protestant church for religious worship, were made punishable with death. Carrying vengeance beyond the grave, another edict enjoined, that if any new converts should refuse the Catholic sacraments on their death-bed, when required to receive them by a magistrate, their bodies should be drawn on a hurdle along the public way, and then cast into the common sewers.

Attempt to convert Rochester.

The conversion sought with most apparent eagerness was that of Lord Rochester. Though he had lost all favour, and even confidence, James long hesitated to remove him from office. He was willing, but afraid to take a measure which would involve a final rupture with the Church of England. His connection with the family of Hyde, and some remains perhaps of gratitude for past services, and a dread of increasing the numbers of his enemies, together with the powerful influence of old habits of intimacy, kept his mind for some time in a state of irresolution and fluctuation. His dissatisfaction with the Lord Treasurer became generally known in the summer, and appears to have been considerably increased by the supposed connection of that nobleman with the episcopalian administration in Scotland; of whose removal it will become our duty presently to speak.[a] The sudden return of Lady Dorchester revived the spirits of his adherents.[b] But the Queen, a person of great importance in these affairs, was, on this occasion, persuaded to retain her anger, and to profess a reliance on the promise made by the King not to see his mistress.[c] Formerly, indeed, the violence of her temper is said to have been one source of her influence over the King; and her ascendancy was observed to be always greatest after those paroxysms of rage to which she was excited by the detection

Conduct of the Queen.

[a] Barillon, $\frac{8 \text{ July,}}{18 \text{ Juillet,}}$ 1686.' Fox MSS. i. 138. [b] Barillon, $\frac{23 \text{ August,}}{2 \text{ Sept.}}$ 1686. Ibid.

[c] Report of an agent of Louis XIV. in London, in 1686, of which a copy is in my possession.

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of his infidelities. But, in circumstances so critical, her experienced advisers dissuaded her from repeating hazardous experiments*; and the amours of her husband are said, at this time, to have become so vulgar and obscure as to elude her vigilance. She was mild and submissive to him; but she showed her suspicion of the motive of Lady Dorchester's journey by violent resentment against Clarendon, the Lord Lieutenant of Ireland, whom she believed to be privy to it, and who in vain attempted to appease her anger by the most humble, not to say abject, submissions.[b] She at this moment seemed to have had more than ordinary influence, and she was admitted into the secret of all affairs.[c] Supported, if not instigated by her, Sunderland and Petre, with the more ambitious and turbulent part of the Catholics, represented to the King that nothing favourable to the Catholics was to be hoped from parliament so long as his court and council were divided, and as he was surrounded by a Protestant cabal, at the head of which was the Lord Treasurer, who professed the most extravagant zeal for the English church; that, notwithstanding the pious zeal of his Majesty, nothing important had yet been done for religion; that not one considerable person had declared himself a Catholic; that no secret believer would avow himself, and no well-disposed Protestant would be reconciled to the church, till the King's administration was uniform, and the principles of government more decisive; that the time was now come when it was necessary for his Majesty to execute the intention which he had long entertained, either to bring the Treasurer to more just sentiments, or to remove him from the

* In a MS. among the Stuart papers in possession of his Majesty, which was written by Sheridan, Secretary for Ireland under Tyrconnel, we are told that Petre and Sunderland agreed to dismiss Mrs. Sedley, under pretence of morality, but really because she was thought the support of Rochester; and that it was effected by Lady Powis and Bishop Giffard, to the Queen's great joy. See farther Barillon, $\frac{26 \text{ August,}}{5 \text{ Sept.}}$ 1686. Fox MSS. i. 148.

[b] Letters of Henry, Earl of Clarendon.

[c] Barillon, $\frac{13 \text{ September,}}{23 \text{ Septembre,}}$ 1686. Fox MSS. i. 150.

important office which he filled, and thus prove to the public that there was no means of preserving power or credit but by supporting the King's measures for the Catholic religion.[a] They reminded him of the necessity of taking means to perpetuate the benefits which he designed for the Catholics, and of the alarming facility with which the Tudor princes had made and subverted religious revolutions. Even the delicate question of the succession was agitated, and some had the boldness of throwing out suggestions to James on the most effectual means of ensuring a Catholic successor. These extraordinary suggestions appear to have been in some measure known to Citters, the Dutch minister, who expressed his fears that projects were forming against the rights of the Princess of Orange. The more affluent and considerable Catholics were alarmed at these daring projects. They saw, as clearly as their brethren, the dangers to which they might be exposed under a Protestant successor. But they thought it wiser to entitle themselves to his favour by a moderate exercise of their influence, than to provoke his hostility by precautions so unlikely to be effectual against his succession or his religion. Moderation had its usual fate. The faction of zealots, animated by the superstition, the jealousy, and the violence of the Queen, became the most powerful. Even at this time, however, the Treasurer was thought likely to have maintained his ground for some time longer, if he had entirely conformed to the King's wishes. His friends Ormond, Middleton, Feversham, Dartmouth, and Preston were not without hope that he might retain office. At last, in the end of October, James declared that Rochester must either go to mass, or go out of office.[b] His advisers repre-

[a] The words of Barillon, "pour l'établissement de la religion Catholique," being capable of two senses, have been translated in the text in a manner which admits of a double interpretation. The context removes all ambiguity in this case.

[b] Barillon, $\frac{25 \text{ Oct.}}{4 \text{ Nov.}}$ 1686. Fox MSS. i. 157. It is curious that the report of Rochester's dismissal is mentioned by N. Lutterell on the same day on which Barillon's despatch is dated.

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sented to him that it was dangerous to leave this alternative to the Treasurer, which gave him the means of saving his place by a pretended conformity. The King replied that he hazarded nothing by the proposal, for he knew that Rochester would never conform. If this observation was sincere, it seems to have been rash; for some of Rochester's friends still believed he would do whatever was necessary, and advised him to keep his office at any price.[a] The Spanish and Dutch ambassadors expressed their fear of the fall of their last friend in the cabinet[b]; and Louis XIV. considered the measure as certainly favourable to religion and to his policy, whether it ended in the conversion of Rochester or in his dismissal; in acquiring a friend, or in disabling an enemy.[c] It was agreed that a conference on the questions in dispute between the Roman and English churches should be held in the presence of Rochester, by Dr. Jane and Dr. Patrick on behalf of the Church of England, and by Dr. Giffard and Dr. Tilden[d] on the part of the Church of Rome. It is not easy to believe that the King or his minister should have considered a real change of opinion as a possible result of such a dispute. Even if the influence of attachment, of antipathy, of honour, and of habit on the human mind were suspended, the conviction of a man of understanding on questions of great importance, then the general object of study and discussion, could hardly be conceived to depend on the accidental superiority in skill and knowledge exhibited by the disputants of either party in the course of a single debate. But the proposal, if made by one party, was too specious and popular to be prudently rejected by the other. They were alike interested in avoiding the imputation of shrinking

[a] Barillon, $\frac{29 \text{ Nov.}}{9 \text{ Dec.}}$ 1686. Fox MSS. i. 161. [b] Barillon, $\frac{8 \text{ Nov.}}{18 \text{ Nov.}}$ 1686. Fox MSS.

[c] Le Roi à Barillon. Versailles, $\frac{9}{19}$ Oct. 1686. Fox MSS. i. 162.

[d] This peculiarly respectable divine assumed the name of Godden; a practice to which Catholic clergymen were then sometimes reduced to elude persecution.

from an argumentative examination of their faith. The King was desirous of being relieved from his own indecision by a signal proof of Rochester's obstinacy, and in the midst of his fluctuations he may sometimes have indulged a lingering hope that the disputation might supply a decent excuse for the apparent conformity of his old friend and servant. In all prolonged agitations of the mind, it is in succession affected by motives not very consistent with each other. Rochester foresaw that his popularity among Protestants would be enhanced by his triumphant resistance to the sophistry of their adversaries. He gave the King, by consenting to the conference, a pledge of his wish to carry compliance to the utmost boundaries of integrity. He hoped to gain time. He retained the means of profiting by fortunate accidents. At least he postponed the fatal hour of removal, and there were probably moments in which his fainting virtue looked for some honourable pretence for deserting a vanquished party. The conference took place on the 30th of November.[a] Each of the contending parties, as usual, claimed the victory. The Protestant writers, though they agree that the Catholics were defeated, vary from each other. Some ascribe the victory to the two divines, others to the arguments of Rochester himself; and one of the disputants of the English church said that it was unnecessary for them to do much: one writer tells us that the King said he never saw a good cause so ill defended, and all agree that Rochester closed the conference with the most determined declaration that he was confirmed in his religion.[b] Giffard, afterwards a Catholic prelate of exemplary character, published an account of the particulars of the controversy, which gives a directly opposite account of it. In the only part of it which can in any degree be tried by historical evidence, the Catholic account of the dispute is

Religious conference.

[a] Dod, Ch. Hist. iii. 419. Barillon's short account of the conference is dated on the 12th December, which, after making allowance for the difference of calendars, makes the despatch to be written two days after the conference, which deserves to be mentioned as a proof of Dod's singular exactness.

[b] Burnet, Echard, and Kennet. There are other contradictions in the testimony of these historians, and it is evident that Burnet did not implicitly believe Rochester's own story.

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more probable. Rochester, if we may believe Dr. Giffard, at the end of the conference, said,—"The disputants have discoursed learnedly, and I desire time to consider."[a] Agreeably to this statement, Barillon, after mentioning the dispute, told his court that Rochester still showed a disposition to be instructed with respect to the difficulties which prevented him from declaring himself a Catholic, and he adds that some even then expected that he would determine for conformity.[b] This despatch was written two days after the disputation by a minister who could neither be misinformed, nor could have any motive to deceive. Some time afterwards, indeed, Rochester made great efforts to preserve his place, and laboured to persuade the moderate party among the Catholics that it was their interest to support him.[c] He did not, indeed, offer to sacrifice his opinions; but a man who, after the loss of all confidence and real power, clung with such tenacity to mere office, under a system of which he disapproved every principle, could hardly be supposed to be unassailable. The violent or decisive politicians of the Catholic party dreaded that Rochester might still take the King at his word, and defeat all their plans by a feigned compliance; James distrusted his sincerity, suspected that his object was to amuse and temporise, and at length, weary of his own irresolution, took the decisive measure of removing the only minister by whom the Protestant party had a hold on his councils.

Dismissal of Rochester.

The place of Lord Rochester was accordingly supplied on the 5th of January, 1687, by commissioners, of whom two were Catholics, Lord Bellasis of the cautious, and Lord Dover of the zealous party; and the remaining three, Lord Godolphin, Sir John Ernley, and Sir Stephen Fox, were probably chosen for their capacity and experience in the affairs of finance.[d] Two days afterwards the parliament was prorogued, in which the Protestant

[a] Dod, Ch. Hist. iii. 420.

[b] Barillon, $\frac{2}{12}$ Dec. 1686. Fox. MSS. i. 161.

[c] Barillon, $\frac{20}{30}$ Dec.

[d] Lond. Gaz.

Tories, the followers of Rochester, predominated.[a] James endeavoured to soften the removal of his minister by a pension of 4000*l.* a year on the Post Office for a term of years, together with the polluted grant of a perpetual annuity of 1700*l.* a year out of the forfeited estate of Lord Grey[b], for the sake of which the King, under a false show of mercy, had spared the life of that nobleman. The King was no longer, however, at pains to conceal his displeasure. He told Barillon that Rochester favoured the French Protestants, whom, as a term of reproach, he called Calvinists, and added that this was one of many instances in which the sentiments of the minister were opposite to those of his master.[c] He informed D'Adda that the Treasurer's obstinate perseverance in error had at length rendered his removal inevitable; but that wary minister adds, that they who had the most sanguine hopes of the final success of the Catholic cause were obliged to own that, at that moment, the public temper was inflamed and exasperated, and that the cry of the people was, that since Rochester was dismissed because he would not become a Catholic, there must be a design to expel all Protestants[d] from office.

The fall of Rochester was preceded, and probably quickened, by an important change in the administration of Scotland, and it was also connected with a revolution in the government of Ireland, of both which events it is now necessary to relate the most important particulars.

[a] Lond. Gaz. [b] Evelyn, i. 595.

[c] Barillon, $\frac{3}{13}$ Jan. 1687. Fox MSS. i. 171.

[d] D'Adda, $\frac{31 \text{ Dec. } 1686,}{10 \text{ Jan. } 1687.}$ Presentamente pare che gli animi suono inaspriti della voce che corre tra il popolo d'esser cacciato il detto ministro per non essere Cattolico, percio tirarsi al esterminio de Protestanti.

CHAP. IV.

SCOTLAND.

ADMINISTRATION OF QUEENSBERRY. — CONVERSION OF PERTH. — MEASURES CONTEMPLATED BY THE KING. — DEBATES IN PARLIAMENT ON THE KING'S LETTER. — PROPOSED BILL OF TOLERATION — UNSATISFACTORY TO JAMES. — ADJOURNMENT OF PARLIAMENT. — EXERCISE OF PREROGATIVE.

IRELAND.

CHARACTER OF TYRCONNEL. — REVIEW OF THE STATE OF IRELAND. — ARRIVAL OF TYRCONNEL. — HIS APPOINTMENT AS LORD DEPUTY. — ADVANCEMENT OF CATHOLICS TO OFFICES. — TYRCONNEL AIMS AT THE SOVEREIGN POWER IN IRELAND. — INTRIGUES WITH FRANCE.

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THE government of Scotland, under the episcopal ministers of Charles II., was such, that, to the Presbyterians, who formed the majority of the people, "their native country had, by the prevalence of persecution and violence, become as insecure as a den of robbers."[a] The chief place in the administration had been filled for some years by Queensberry, a man of ability, the leader of the Episcopal party, who, in that character as well as from a matrimonial connection between their families, was disposed to an union of councils with Rochester.[b] Adopting the principles of his English friends, he seemed ready to sacrifice the remaining liberties of his country, but resolved to adhere to the Established Church. The acts of the first session in the reign of James are such as to have extorted from a great historian of calm temper, and friendly to the house of Stuart, the reflection that "nothing could exceed the abject servility of the Scotch nation during this period but the arbitrary severity of the administration."[c] Not

Administration of Queensberry.

[a] Hume, c. ii. vii. 4th edit. 1757.

[b] Lord Drumlanerig, the son of Queensberry, had married Lady —— Boyle, the niece of Lady Rochester.

[c] Hume, James II. c. 1.

content with servility and cruelty for the moment, they laid down principles which would render slavery universal and perpetual, by assuring the King "that they abhor and detest all principles and positions which are contrary or derogatory to the King's sacred, supreme, absolute power and authority, which none, whether persons or collective bodies, can participate of, in any manner or on any pretext, but in dependence on him and by commission from him."[a]

But the jealousies between the King's party and that of the Church among the Scotch ministers were sooner visible than those between the corresponding factions in the English council, and they seem, in some degree, to have limited the severities which followed the revolt of Argyle. The privy council, at the intercession of some ladies of distinction, prevented the Marquis of Athol from hanging Mr. Charles Campbell, then confined by a fever, at the gates of his father's castle of Inverary[b]; and it was probably by their representations that James was induced to recall instructions which he had issued to the Duke of Queensberry for the suppression of the name of Campbell[c], which would have amounted to a proscription of several noblemen, a considerable body of gentry, and the most numerous and powerful tribe in the kingdom. They did not, however, hesitate in the execution of the King's orders to dispense with the test in the case of four peers and twenty-two gentlemen, who were required by law to take it before they exercised the office of commissioners to assess the supply in their respective counties.[d]

Conversion of Perth.

The Earl of Perth, the Chancellor of Scotland, began now to attack Queensberry by means somewhat similar to those employed by Sunderland against Rochester. Queensberry had two years before procured the appointment of Perth, as it was believed, by a sum of 27,000*l.* of public money, to the Duchess of Portsmouth.

[a] Acta Parl. viii. 459.—18th April, 1688.
[b] Fountainhall's Chron. Notes, i. 366.—16th July, 1685.
[c] Warrant, 1st June, 1685. State Paper Office.
[d] Warrant, 7th Dec. 1685. State Paper Office.

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Under a new reign, when that lady was by no means a favourite, both Queensberry and Perth apprehended a severe inquisition into this misapplication of public money.[a] Perth, whether actuated by fear or ambition, made haste to consult his security and advancement by conforming to the religion of the court, on which Lord Halifax observed, that "his faith had made him whole." Queensberry adhered to the Established Church. The Chancellor soon began to exercise that ascendency which he acquired by his conversion, in such a manner as to provoke immediate demonstrations of the zeal against the Church of Rome, which the Scotch Presbyterians carried farther than any other reformed community. He issued an order against the sale of any books without license, which was universally understood as intended to prevent the circulation of controversial writings against the King's religion. Glen, a bookseller in Edinburgh, when he received this warning, said, that he had one book which strongly condemned popery, and desired to know whether he might continue to sell it. Being asked what the book was, he answered, "The Bible."[b] Shortly afterwards the populace manifested their indignation at the public celebration of mass by riots, in the suppression of which several persons were killed. A law to inflict adequate penalties on such offences against the security of religious worship would have been perfectly just. But as the laws of Scotland had, however unjustly, made it a crime to be present at the celebration of mass, it was said, with some plausibility, that the rioters had only dispersed an unlawful assembly. The lawyers evaded this difficulty by the ingenious expedient of keeping out of view the origin and object of the tumults, and prosecuted the offenders, merely for *rioting* in violation of certain ancient statutes, some of which rendered that offence capital. This riot was pursued with such singular barbarity, that one Keith, who was not present at the tumult, was executed for having said, that he would help the rioters, and for having drank con-

[a] Fountainhall's Chron. Notes, 1. 189.

[b] Fountainhall, i. 390.—28th Jan. 1686.

fusion to all Papists, though he at the same time drank the health of the King, and though in both cases he only followed the example of the witnesses on whose evidence he was convicted. Attempts were vainly made to persuade this poor man to charge Queensberry with being accessory to the riots, which he had freely ridiculed in private. That nobleman was immediately after removed from the office of treasurer, but he was at the same time appointed Lord President of the Council with a pension, that the court might retain some hold on him during the important discussions at the approaching session of parliament. The King communicated to the secret committee of the Scotch privy council his intended instructions to the commissioner relative to the measures to be proposed to parliament. They comprehended the repeal of the test, the abrogation of the sanguinary laws as far as they related to papists, the admission of these last to all civil and military employments, and the confirmation of all the King's dispensations, even in the reigns of his successors, unless they were recalled by parliament. On these terms he declared his willingness to assent to any law (not repugnant to these things) for securing the Protestant religion, the personal dignities, offices, and possessions of the clergy, and for continuing all laws against fanaticism.[a] The privy council manifested some unwonted scruples about these propositions. James answered them angrily.[b] Perplexed by this unexpected resistance, as well as by the divisions in the Scottish councils, and the repugnance shown by the Episcopalian party to any measure which might bring the privileges of Catholics more near to a level with their own, he commanded the Duke of Hamilton and Sir George Lockhart, President of the Court of Session, to come to London, with a view to ascertain their inclinations, and dispose them favourably to his objects, but under colour of consulting them on the nature of the relief which it might be prudent to propose for the members of his own communion.[c] The Scotch negotiators (for as such they seem to

Measures contemplated by the King.

[a] State Paper Office, 4th March, 1686.

[b] Ibid. 18th March, 1686.

[c] Fountainhall, i. 410. — 26th March, 1686.

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have acted) conducted the discussion with no small discretion and dexterity. They professed their readiness to concur in the repeal of the penal and sanguinary laws against Catholics; observing, however, the difficulty of proposing to confine such an indulgence to one class of dissidents, and the policy of moving for a general toleration, which it would be as much the interests of Presbyterians as of Catholics to promote. They added, that it might be more politic not to propose the repeal of the test as a measure of government, but to leave it to the spontaneous disposition of parliament, who would very probably repeal a law which in Scotland was aimed against Presbyterians as exclusively as it had in England been intended to exclude Catholics, or to trust to the King's dispensing power, which was there undisputed, as indeed every part of the prerogative was in that country held to be above question, and without limits.[a]

These propositions embarrassed James and his more zealous counsellors. The King struggled obstinately against the extension of the liberty to the Presbyterians. The Scotch counsellors required, that if the test were repealed, the King should bind himself by the most solemn promise to attempt no farther alteration or abridgment of the privileges of the Protestant clergy. James did not conceal from them his repugnance thus to confirm and to secure the establishment of a heretical church. He imputed the pertinacity of Hamilton to the insinuations of Rochester, and that of Lockhart to the still more obnoxious influence of his father-in-law, Lord Wharton.[b]

Debates on the King's letter.

The Earl of Murray, a recent convert to the Catholic religion, opened the parliament on the 29th of April, and laid before parliament a royal letter, which exhibited traces of the indecision and ambiguity which were the natural consequence of the unsuccessful issue of the conferences in London. He begins with holding out

[a] Barillon, $\frac{10}{22}$ Avril. Fox MSS. i. 119.

[b] Barillon, $\frac{19}{29}$ Avril, 1686. Fox MSS. i. 121.

the temptation of a free trade with England, and after tendering an ample amnesty, proceeds to state, that while the King shows these acts of mercy to the enemies of his crown and royal dignity, he cannot be unmindful of his Roman Catholic subjects, who had adhered to the crown in rebellions and usurpations, though they lay under discouragements hardly to be named. He recommends them to the care of parliament, and desires that they may have the protection of the laws and the same security with other subjects, without being laid under obligations which their religion will not admit of. "This love," he says, "we expect ye will show to your brethren, as you see we are an indulgent father to you all."[a]

At the next sitting an answer to the letter was voted, thanking the King for his endeavours to procure a free trade with England, expressing the utmost admiration of the offer of amnesty to such desperate rebels against so merciful a prince, and declaring, "as to that part of your Majesty's letter which relates to your subjects of the Roman Catholic persuasion, we shall, in obedience to your Majesty's commands, and in tenderness to their persons, take the same into our serious and dutiful consideration, and go as great lengths therein as our consciences will allow;" concluding with these words, which were the more significant because they were not called for by any correspondent paragraph in the King's letter: —"Not doubting that your Majesty will be careful to secure the Protestant religion established by law." Even this answer, cold and guarded as it was, did not pass without some debate, important only as indicating the temper of the assembly. The words, "subjects of the Roman Catholic religion," were objected to, "as not to be given by parliament to individuals, whom the law treated as criminals, and to a church which Protestants could not, without inconsistency, regard as entitled to the appellation of Catholic." Lord Fountainhall proposed as an amendment, the substitution of "those commonly called Roman Catholics." The Earl of Perth called this nicknaming the King, and proposed, "those subjects

[a] Act. Parl. Scot. viii. 580.

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your Majesty has recommended." The Archbishop of Glasgow supported the original answer, upon condition of an entry in the Journals, declaring that the words were used only out of courtesy to the King, as a repetition of the language of his letter. A minority of 56 in a house of 182 voted against the original words, even though they were to be thus explained.[a] Some members doubted whether they could sincerely profess a disposition to go any farther lengths in favour of the Romanists, they being conscientiously convinced that all the laws against the members of that communion ought to continue in force. The parliament having been elected under the administration of Queensberry, the episcopal party was very powerful both in that assembly and in the committee called the Lords of the Articles, with whom alone a bill could originate. The Scottish Catholics were an inconsiderable body; and the Presbyterians, though comprehending the most intelligent, moral, and religious part of the people, so far from having any influence in the legislature, were proscribed as criminals, and subject to a more cruel and sanguinary persecution from their Protestant brethren than either of these communions had ever experienced from Catholic rulers.[b] Those of the prelates whose virtues extended so far as to prefer the interest of their order to their own were dissatisfied even with the very limited measure of toleration laid before the Lords of the Articles, which only proposed to exempt Catholics from punishment on account of the private exercise of their religious worship.[c] The primate was alarmed by a hint thrown out by the Duke of Hamilton, that a toleration so limited might be granted to dissenting Protestants[d]; nor, on the other hand, was the resistance of the prelates softened by the lure held out by the King in his first instructions, that if they would remove the test against Catholics they should be in-

[a] Fountainhall, i. 413.—13th May, 1686.

[b] Woodrow, ii. 498.:— an avowed partisan, but a most sincere and honest writer, to whom great thanks are due for having preserved that collection of facts and documents which will for ever render it impossible to extenuate the tyranny exercised over Scotland from the Restoration to the Revolution.

[c] Woodrow, ii. 594.

[d] Fountainhall, i. 415.

dulged in the persecution of their fellow Protestants. The Lords of the Articles were forced to introduce into the bill two clauses; one declaring their determination to adhere to the established religion, the other expressly providing, that the immunity and forbearance shall not derogate from the laws which required the oath of allegiance and the test to be taken by all persons in offices of public trust.[a] The arguments on both sides are to be found in pamphlets then printed at Edinburgh; those for the Government publicly and actively circulated, those of the opposite party disseminated clandestinely.[b] The principal part, as in all such controversies, consists in personalities, recriminations, charges of inconsistency, and addresses to prejudice, which scarcely any ability can render interesting after the passions from which they spring have subsided and are forgotten. It happened, also, that temporary circumstances required or occasioned the best arguments not to be urged by the disputants. Considered on general principles, the bill, like every other measure of toleration, was justly liable to no permanent objection but its incompleteness and partiality. But no Protestant sect was then so tolerant as to object to the imperfection of the relief to be granted to Catholics; and the ruling party in the parliament were neither entitled nor disposed to complain, that the Protestant Non-conformists, whom they had so long persecuted, were not to be comprehended in the toleration. The only objection which could reasonably be made to the tolerant principles, now for the first time inculcated by the advocates of the Court, was, that they were not proposed with good faith, and were not proposed for the relief of the Catholics but for the subversion of the Protestant church, and the ultimate establishment of popery, with all the horrors which were to follow in its train. The present effects of the bill were a subject of more urgent con-

Bill of Toleration.

[a] Woodrow, ii. App. No. cxvi.

[b] Woodrow, ii. App. 163—177., who ascribes the court pamphlet to Sir R. L'Estrange, in which he is followed by Mr. Laing, though in the answer that pamphlet is said to be written by a clergyman who had preached before the parliament. L'Estrange was then in Edinburgh, probably engaged in some more popular controversy. The tract in question seems more likely to have been written by Paterson, Bishop of Edinburgh.

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sideration than its general character. It was more necessary to ascertain the purpose which it was intended and calculated to promote at the instant, than to examine the principles on which such a measure, in other circumstances and in all common times, might be perfectly wise and just. Even then, had any man been liberal and bold enough to propose universal and perfect liberty of worship, the adoption of such a measure would probably have afforded the most effectual security against the designs of the crown. But very few entertained so generous a principle: of these, some might doubt the wisdom of its application in that hour of peril, and no man could have proposed it with any hope that it could be adopted by the majority of such a parliament. It can hardly be a subject of wonder, that the established clergy, without any root in the opinions and affections of the people, on whom they were imposed by law, and against whom they were maintained by persecution, should not in the midst of conscious weakness have had calmness and fortitude enough to consider the policy of concession, but trembling for their unpopular dignities and invidious revenues, should recoil from the surrender of the most distant outpost which seemed to guard them, and struggle with all their might to keep those who threatened to become their most formidable rivals under the brand at least if not the scourge of penal laws. It must be owned, that the language of the court writers was not calculated either to calm the apprehensions of the Church or to satisfy the solicitude of the friends of liberty. These writers told the parliament, "that if the King were exasperated by the rejection of the bill, he might, without the violation of any law, alone remove all Protestant officer s and judges from the government of the State, and all Protestant bishops and ministers from the government of the Church[a];"—a threat the more alarming, because the dispensing power seemed sufficient to carry it into effect in civil offices, and the Scotch act of supremacy[b], passed in one of the paroxysms of servility which were frequent in the first years of the Restoration, appeared to afford the means of fully accomplishing it against the Church.

[a] Woodrow, ii. App. 166.

[b] 1669.

The unexpected obstinacy of the Scottish parliament alarmed and offended the Court. Their answer did not receive the usual compliment of publication in the Gazette. Orders were sent to Edinburgh to remove two privy counsellors[a]; to displace Seton, a judge, and to deprive the Bishop of Dunkeld of a pension, for their conduct in parliament. Sir George Mackenzie, himself, the most eloquent and accomplished Scotchman of his age, was for the same reason dismissed from the office of Lord Advocate. It was in vain that he had dishonoured his genius by being for ten years the advocate of tyranny and the minister of persecution. All his ignominious claims were cancelled by the independence of one day. It was hoped that such examples might strike terror.[b] Several noblemen, who held commissions in the army, were ordered to repair to their posts. Some members were threatened with the avoidance of their elections.[c] A prosecution was commenced against the Bishop of Ross, and the proceedings were studiously protracted, to weary out the poorer part of those who refused to comply with the court. The ministers scrupled at no expedient for seducing, or intimidating, or harassing. But these expedients proved ineffectual. The majority of the parliament adhered to their principles. The session lingered for about a month in the midst of ordinary or unimportant affairs.[d] The Bill for Toleration was not brought up by the Lords of the Articles. The commissioners, doubting whether it would be carried, and probably instructed by the court that it would neither satisfy the expectations nor promote the purposes of the King, in the middle of June adjourned the parliament, which was never again to assemble. It was no

Adjournment of parliament.

[a] The Earl of Glencairn and Sir W. Bruce.

[b] Fountainhall, i. 414. 17th May, 1686. [c] Ibid. 419.

[d] Among the frivolous but characteristic transactions of this session was the Bore Brief, or authenticated pedigree granted to the Marquis de Seignelai, as a supposed descendant of the ancient family of Cuthbert of Castlehill, in Inverness-shire. His father, the great Colbert, who appears to have been the son of a reputable woollen-draper of Troyes, had attempted to obtain the same certificate of genealogy, but such was the pride of birth at that time in Scotland, that his attempts were vain. It now required all the influence of the court, set in motion by the solicitations of Barillon, to obtain it for Seignelai. By an elaborate display of all the collateral relations of the Cuthberts, the Bore Brief connects Seignelai with the royal family, and with all the nobility and gentry of the kingdom. Act. Parl. Scot. viii. 611.

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wonder that the King should have been painfully disappointed by the failure of his attempt; for after the conclusion of the session, it was said by zealous and pious Protestants, that nothing less than a special interposition of Providence could have infused into such an assembly a steadfast resolution to withstand the court.[a] The royal displeasure was manifested by measures of a very violent sort. The despotic supremacy of the King over the Church was exercised by depriving Bruce of his bishopric of Dunkeld, for his parliamentary conduct[b]; a severity which, not long after, was repeated in the deprivation of Cairncross, Archbishop of Glasgow, for some supposed countenance to an obnoxious preacher, though that prelate laboured to avert it by promises of support to all measures favourable to the King's religion.[c] A few days after the prorogation, Queensberry was dismissed from all his offices, and required not to leave Edinburgh until he had rendered an account of his administration of the treasury.[d] Some part of the royal displeasure fell upon Sir George Mackenzie, the Lord Register, lately created Lord Cromarty, the most submissive servant of every government, for having flattered the King, by too confident assurances of a majority as obsequious as himself. The connection of Rochester with Queensberry now aggravated the offence of the latter, and prepared the way for the downfall of the former. Murray, the commissioner, promised positive proofs, but produced at last only such circumstances as were sufficient to confirm the previous jealousies of James, that the Scotch opposition were in secret correspondence with pensionary Fagel, and even with the Prince of Orange.[e] Sir George Mackenzie, whose unwonted

[a] Fountain. i. 419. I forbear to transcribe the somewhat profane comparison to the remark of an Irish soldier on the Garter being bestowed on Feversham after the battle of Sedgemoor, to the success of which he had so little contributed.

[b] Fountain. i. 416.

[c] Fountain. i. 441. Skinner, Eccles. Hist. ii. 503.

[d] Fountain. i. 420.

[e] Barillon, $\frac{20 \text{ June,}}{1 \text{ Juillet,}}$ 1686. $\frac{12 \text{ July,}}{22 \text{ Juillet,}}$ 1686. Fox MSS. i. 137—139. It will appear in the sequel, that these suspicions are at variance with probability, and unsupported by evidence.

independence seems to have speedily faltered, was refused an audience of the King, when he visited London with the too probable purpose of making his peace. The most zealous Protestants being soon afterwards removed from the privy council, and the principal noblemen of the Catholic communion being introduced in their stead, James addressed a letter to the council, informing them that his application to parliament had not arisen from any doubt of his own power to stop the severities against Catholics, declaring his intention to allow the exercise of the Catholic worship, and to establish a chapel for that purpose in his own palace of Holyrood House; and intimating to the judges, that they were to receive the allegation of this allowance as a valid defence, any law to the contrary notwithstanding.[a] The warm royalists, in their proposed answer, expressly acknowledged the King's prerogative to be a legal security. But the council, in consequence of an objection of the Duke of Hamilton, faintly asserted their independence, by substituting "sufficient" instead of "legal."[b]

Exercise of prerogative.

The determination was thus avowed of pursuing the objects of the King's policy in Scotland by the exercise of prerogative, at least until a more compliant parliament could be obtained, who would not only remove all doubt for the present, but protect the Catholics against the recall of the dispensations by James's successors. The means principally relied on for the accomplishment of that object was the power now assumed by the King to stop the annual elections in burghs, to nominate the chief magistrates, and through them to command the election by more summary proceedings than those of the English courts.[c] The choice of ministers corresponded with the principles of administration. The disgrace of the Duke of Hamilton, a few months later[d], completed the transfer of power to that party who professed an unbounded devotion to the principles of their master in the government both

[a] Woodrow, ii. 598. Letter, 21st Aug. 1686.

[b] Fount. i. 424. 16th Sept. 1686.

[c] Fount. ibid.

[d] Fount. i. 449—451. Letter in State Paper Office, 1st March, 1687, expressing the King's displeasure at the conduct of Hamilton, and directing the names of his sons-in-law, Panmure and Dunmore, to be struck out of the list of the council.

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of Church and State. The measures of the Government did not belie their professions. Sums of money, considerable when compared with the scanty revenue of Scotland, were employed in support of establishments for the maintenance and propagation of the Roman Catholic religion. 1400*l.* a year were granted, in equal portions, to the Catholic missionaries, to the Jesuit missionaries, to the mission in the Highlands, to the Chapel Royal, and to each of the Scotch colleges at Paris, Douay, and Rome.[a] A separate grant of 1200*l.* was soon afterwards made to Mr. Innes, Rector of the Scotch College, on account of that institution.[b] The Duke of Hamilton, Keeper of the Palace, was commanded to surrender the Chancellor's apartments in Holyrood House to a college of Jesuits.[c] By a manifest partiality, two thirds of the allowance made by Charles the Second to indigent royalists were directed to be paid to Catholics; and all pensions and allowances to persons of that religion were required to be paid in the first place, in preference to all other pensions.[d] Some of these grants, it is true, if they had been made by a liberal sovereign in a tolerant age, were in themselves justifiable; but neither the character of the King, nor the situation of the country, nor the opinions of the times, left any reasonable man at liberty then to doubt their purpose, and some of them were attended by circumstances which would be remarkable as proofs of the infatuated imprudence of the King and his counsellors, if they were not more worthy of observation as symptoms of that insolent contempt with which they trampled on the provisions of law, and on the strongest feelings of the people.

Ireland.

The government of Ireland, as well as that of England and Scotland, was, at the accession of James, allowed to remain in the hands of Protestant tories. The Lord-lieutenancy was, indeed, taken from the Duke of Ormond, then far advanced in years, but it was bestowed on a nobleman of the same party, Lord Clarendon, whose moderate understanding added little to those claims on

[a] Warrants in the State Paper Office, 19th May, 1687.
[b] Ibid. 28th June, 1687.
[c] Ibid. 15th August, 1687.
[d] Ibid. 7th January, 1688.

high office, which he derived from his birth, connections, and opinions. But the feeble and timid Lord Lieutenant was soon held in check by Richard Talbot[a], then created Earl of Tyrconnel, a Catholic gentleman of ancient English extraction, who joined talents and spirit to violent passions, boisterous manners, unbounded indulgence in every excess, and a furious zeal for his religious party. His character was tainted by that disposition to falsehood and artifice, which, however seemingly inconsistent with violent passions, is often combined with them, and he possessed more of the beauty and bravery than of the wit or eloquence of his unhappy nation. He was first introduced to Charles II. and his brother before the Restoration, as one who was willing to assassinate Cromwell, and made a journey into England with that resolution. He soon after received an appointment in the household of the Duke of York, and retained the favour of that prince during the remainder of his life. In the year 1666, he was imprisoned for a few days by Charles II., for having resolved to assassinate the Duke of Ormond, with whose Irish administration he was dissatisfied.[b] He did not, however, even by the last of these criminal projects forfeit the patronage of either of the royal brothers, and at the accession of James held a high place among that prince's personal favourites. He was induced, both by zeal for the Catholic party, and by animosity against the family of Hyde, to give effectual aid to Sunderland in the overthrow of

Character of Tyrconnel.

[a] The means by which Talbot obtained the favour of James, if we may believe the accounts of his enemies, were somewhat singular. "Clarendon's daughter had been got with child in Flanders, on a pretended promise of marriage, by the Duke of York, who was forced by the King, at her father's importunity, to marry her, after he had resolved the contrary, and got her reputation blasted by Lord Fitzharding and Colonel Talbot, who impudently affirmed that they had received the last favours from her." Sheridan's Reflections, &c., MSS. in Stuart Papers, p. 53. "5th July, 1694. Sir E. Harley told us, that when the Duke of York resolved on putting away his first wife, particularly on discovery of her commerce with ———, she by her father's advice turned Roman Catholic, and thereby secured herself from reproach, and that the pretence of her father's opposition to it was only to act a part, and secure himself from blame." MSS. in the handwriting of Lord Treasurer Oxford, in the possession of the Duke of Portland. The latter of these passages must refer to the time of the marriage, from the concluding part of it. But it must not be forgotten that both the reporters were the enemies of Clarendon, and Sheridan the bitter enemy of Tyrconnel.

[b] Clarendon's Life, continuation, 362.

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Rochester, and required in return that the conduct of Irish affairs should be left to him.[a] Sunderland dreaded the temper of Tyrconnel, and was desirous of performing his part of the bargain with as little risk as possible to the quiet of Ireland. Tyrconnel at first contented himself with the rank of senior General Officer on the Irish staff, and he returned to Dublin in June, 1686, as the avowed favourite of the King, with powers to new-model the army; and his arrival was preceded by reports of extensive changes in the government of the kingdom.[b] The state, the church, the administration, and the property of that unhappy island, were bound together by such unnatural ties, and placed on such weak foundations, that every rumour of alteration in one of them spread the deepest alarm for the safety of the whole. From the colonisation of a small part of the eastern coast under Henry II., till the last years of the reign of Elizabeth, an unceasing and cruel warfare was waged by the English governors against the princes and chiefs of the Irish tribes, with little other effect than that of preventing the progress of civilisation of the Irish, of replunging many of the English into barbarism, and of generating that deadly animosity between the natives and the invaders, under the names of Irishry and Englishry, which, assuming various forms, and exasperated by a fatal succession of causes, has continued even to our days the source of innumerable woes. During that dreadful period of four hundred years, the laws of the English colony did not punish the murder of a man of Irish blood as a crime.[c] Even so late as the year 1547, the Colonial Assembly, called a parliament, confirmed the insolent laws which prohibited the English of the pale from marrying persons of Irish blood.[d] Reli-

Review of the state of Ireland.

[a] Sheridan's Historical Account, MSS., 79 P. *Stuart Papers.*

[b] Clarendon's Letters, i. *passim.*

[c] Sir J. Davies's Discoverie, &c., 102—112. Edit. 1747. "They were so far out of the protection of the laws that it was often adjudged no felony to kill a mere Irishman in time of peace," — except he were of the five privileged tribes of the O'Neils of Ulster, the O'Malaghlins of Meath, the O'Connors of Connaught, the O'Briens of Thomond, and the Mac-Murroughs of Leinster; to whom are to be added the Ostmen of the city of Waterford. See also Leland, Hist. of Ireland, book i. c. 3.

[d] Ir. Stat. 28 Hen. VIII. c. 13. "The English," says Sir W. Petty, "before Henry VII.'s time, lived in Ireland as the Europeans do in America." Pol. Anat. 112.

gious hostility inflamed the hatred of these mortal foes. The Irish, attached to their ancient opinions as well as usages, and little addicted to doubt or enquiry, rejected the Reformation of religion offered to them by their enemies. The Protestant worship became soon to be considered by them as the odious badge of conquest and oppression.[a] The ancient religion was endeared by persecution, and by its association with the name, the language, and the manners of their country. The island had long been represented as a fief of the see of Rome; the Catholic clergy, and even laity, had no unchangeable friend but the sovereign pontiff, and their chief hope of deliverance from a hostile yoke was long confined to Spain, the leader of the Catholic party in the European commonwealth. The old enmity of Irishry and Englishry thus appeared with redoubled force under the new names of Catholic and Protestant. The necessity of self-defence compelled Elizabeth to attempt the complete reduction of Ireland, which, since she had assumed her station at the head of Protestants, became the only vulnerable part of her dominions, and a weapon in the hands of her most formidable enemies. But few of the benefits which sometimes atone for conquest were felt by Ireland. Neither the success with which Elizabeth broke the barbaric power of the Irish chieftains, nor the real benevolence and seeming policy of introducing industrious colonies under her successor, counterbalanced the dreadful evil which was then for the first time added to her hereditary sufferings. The extensive forfeiture of the lands of the Catholic Irish, and the grant of these lands to Protestant natives of Great Britain, became a new source of hatred between these irreconcileable factions. Forty years of quiet, however, followed, in which a parliament of all districts, and of both religions, was assembled. The administration of the Earl of Strafford bore the stamp of the political vices which tarnished his

[a] That the hostility of religion was, however, a secondary prejudice superinduced on hostility between nations, appears very clearly from the laws of Catholic sovereigns against the Irish, even after the Reformation, particularly the Irish statute of 3 & 4 Phil. & Mar. c. 2., against the O'Mores, and O'Dempsies, and O'Connors, "and others of the Irishry."

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genius, and which often prevailed over those generous affections of which he was not incapable towards those who neither rivalled nor resisted him. The state of Ireland abounded with temptations to a man of daring and haughty spirit, intent to tame a turbulent people, and impatient of the slow discipline of law and justice, to adopt those violent and summary measures of which his nature prompted him too easily to believe the necessity.[a] When his vigorous arm was withdrawn, the Irish were once more excited to revolt by the memory of the provocations which they had received from him and from his predecessors, by the feebleness of the government of Ireland, and by the confusion and distraction which announced the approach of civil war in Great Britain. This insurrection, which broke out in 1641, and of which the atrocities appear to have been extravagantly exaggerated[b] by the writers of the victorious party, was only finally subdued by the genius of Cromwell, who, urged by the general antipathy against the Irish[c], and the peculiar animosity of his own followers towards Catholics, exercised more than once in his Irish campaigns the most odious rights or practices of war, and departed in his treatment of that constantly unhappy country from that clemency which usually distinguished him above most men who have obtained the supreme power by violence. The confiscations which followed his victories, added to the forfeitures under Elizabeth and James, transferred more than two thirds of the land of the kingdom to British adventurers.[d] "Not only all the Irish nation (with very few exceptions) were found guilty of the rebellion, and forfeited all their estates, but all the English Catholics of Ireland

[a] Carte's Ormond, and the Confessions of Clarendon, together with the Evidence on the trial of Strafford.

[b] Evidence of this exaggeration is to be found in Carte and Leland, in the "Political Anatomy of Ireland," by Sir W. Petty, to say nothing of Curry's "Civil Wars," which, though the work of an Irish Catholic, deserves the serious consideration of every historical enquirer. Sir W. Petty limits the number of Protestants *killed* throughout the island, in the first year of the war, to 37,000. The massacres were confined to Ulster, and in that province were imputed only to the detachment of insurgents under Sir Phelim O'Neale.

[c] Even Milton calls the Irish Catholics, or, in other words, the Irish nation, "Conscelerata et barbara colluvies."

[d] Petty's Pol. Anat. 1—3. London, 1691.

were declared to be under the same guilt."[a] The ancient proprietors conceived sanguine hopes, that confiscations by usurpers would not be ratified by the restored government. But their agents were inexperienced, indiscreet, and sometimes mercenary. Their opponents, who were in possession of power and property, chose the Irish House of Commons, and secured the needy and rapacious courtiers of Charles II. by large bribes.[b] The court became a mart at which much of the property of Ireland was sold to the highest bidder: the inevitable result of measures not governed by rules of law, loaded with exceptions and conditions, where the artful use of a single word might affect the possession of considerable fortunes, and where so many minute particulars relating to unknown and uninteresting subjects were necessarily introduced, that none but parties deeply concerned had the patience to examine them.

Charles was desirous of an arrangement which should give him the largest means of quieting, by profuse grants, the importunity of his favourites. He began to speak of the necessity of strengthening the English interest in Ireland, and he represented the settlement rather as a matter of policy than of justice. The usual and legitimate policy of statesmen and lawgivers is, doubtless, to favour every measure which quiets present possession, and to discourage all retrospective inquisition into the tenure of property. But the Irish government professed to adopt a principle of compromise, and the general object of the statute called the Act of Settlement, was to secure the land in the hands of its possessors, on condition of their making a certain compensation to those classes of expelled proprietors who were considered as innocent of the rebellion. Those, however, were declared not to be innocent who had accepted the terms of peace granted by the King in 1648, who had paid contributions to support the insurgent administration, or who enjoyed any real or personal

[a] Life of Clarendon, ii. 115. 8th edit. Oxford. 1759.

[b] Carte's Ormond, ii. 295., &c. Talbot, afterwards Earl of Tyrconnel, returned to Ireland with 18,000*l*.

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property in the districts occupied by the rebel army. The first of these conditions was singularly unjust; the two latter must have comprehended many who were entirely innocent, and all of them were inconsistent with those principles of compromise and provision for the interest of all on which the act was professedly founded. Ormond, however, restored to his own great estates, and gratified by a grant of 30,000*l.* from the Irish Commons, acquiesced in this measure, and it was not opposed by his friend Clarendon; circumstances which naturally, though perhaps not justly, have rendered the memory of these celebrated men odious to the Irish Catholics. During the whole reign of Charles II. they struggled to obtain a repeal of the Act of Settlement. But Time opposed his mighty power to their labours. Every new year strengthened the rights of the possessors, and furnished additional objections against the claims of the old owners. It is far easier to do mischief than to repair it; and it is one of the most malignant properties of extensive confiscation that it is commonly irreparable. The land is shortly sold to honest purchasers; it is inherited by innocent children; it becomes the security of creditors; its safety becomes interwoven, by the complicated transactions of life, with all the interests of the community. One act of injustice is not atoned for by the commission of another against parties who may be equally unoffending. In such cases the most specious plans for the investigation of conflicting claims either lead to endless delay, attended by the entire suspension of the enjoyment of the disputed property, if not by a final extinction of its value, or to precipitate injustice, arising from caprice, from favour, from enmity, or from venality. The resumption of forfeited property, and the restoration of it to the heirs of the ancient owners, may be attended with all the mischievous consequences of the original confiscation; by the disturbance of habits, and by the disappointment of expectations, and by an abatement of that reliance on the inviolability of legal possession, which is the mainspring of industry, and the chief source of comfort.

Arrival of Tyrconnel.

The arrival of Tyrconnel revived the hopes of the Catholics. They were at that time estimated to amount to 800,000 souls; the English Episcopalians, the English Nonconformists, and the Scotch Presbyterians, each to 100,000.[a] There was an army of 3000 men, which in the sequel of this reign was raised to 8000, and the net revenue afforded a yearly average of 300,000*l.*[b] Before the civil war of 1641, the disproportion of numbers of Catholics to Protestants was much greater, and by the consequences of that event, the balance of property was entirely reversed.[c] "In playing of this game or match" (the war of 1641) "upon so great odds, the English," says Sir William Petty, "won, and have a gamester's right at least to their estates."[d] On the arrival of Tyrconnel, too, were redoubled the fears of the Protestants for possessions always invidious, and now, as it seemed, about to be precarious. The attempt to give both parties a sort of representation in the government, and to balance the Protestant Lord Lieutenant by a Catholic commander of the army, unsettled the minds of the two communions. The Protestants, though they saw that the rising ascendant of Tyrconnel would speedily become irresistible, were betrayed into occasional indiscretion by the declarations of the Lord Lieutenant; and the Catholics, aware of their growing force, were only exasperated by Clarendon's faint and fearful show of zeal for the established laws. The contemptuous disregard, or rather indecent insolence manifested by Tyrconnel in his conversations with Lord Clarendon, betrayed a consciousness of the superiority of a royal favourite over a Lord Lieutenant, who was to execute a system to which he was disinclined, and to remain in office a little longer only as a pageant of state. He indulged all his habitual indecencies and excesses; he gave the loose to every passion, and threw off every restraint of good

[a] Petty's Political Anatomy, 8. As Sir William Petty exaggerates the population of England, which he rates at six millions, considerably more than its amount in 1700 (Population Ret. 1821, Introduct.), it is probable he may have overrated that of Ireland; but there is no reason to suspect mistake in the proportions.

[b] Supposing the taxes then paid by England and Wales to have been about three millions, each inhabitant contributed ten shillings, while each Irishman paid somewhat more than five.

[c] Petty's Pol. Anat. 24.

[d] Idem.

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manners in these conversations. It is difficult to represent them in a manner compatible with the decorum of history. Yet they are too characteristic to be passed over.[a] "You must know, my Lord," said Tyrconnel, "that the King is a Roman Catholic, and resolved to employ his subjects of that religion, and that he will not keep one man in his service who ever served under the usurpers. The sheriffs you have made are generally rogues and old Cromwellians. There has not been an honest man sheriff in Ireland these twenty years." Such language, intermingled with oaths, and uttered in the boisterous tone of a braggart youth, somewhat intoxicated, in a military guard-house, are specimens of the manner in which Tyrconnel delivered his opinions to his superior on the gravest affairs of state. It was no wonder that Clarendon told his brother Rochester, "If this Lord continue in the temper he is in, he will gain here the reputation of a madman; for his treatment of people is scarce to be described."[b] The more moderate of his own communion, comprehending almost all laymen of education or fortune, he reviled as trimmers. He divided the Catholics, and embroiled the King's affairs still farther by a violent prejudice against the native Irish, whom he contemptuously called the O's and Macs.[c] To the letter of the King's public declarations, or even positive instructions to the Lord Lieutenant, he paid very little regard. He was sent by James "to do the rough work" of remodelling the army and the corporations. With respect to the army, the King professed only to admit all his subjects on an equal footing, without regard to religion. But Tyrconnel's language, and, when he had the power, his measures, led to the formation of a Catholic army.[d] The Lord Lieutenant reasonably understood the royal intentions to be no more than that the Catholic religion should be no bar to the

[a] Diary of Henry, Earl of Clarendon, 5th to 14th June, 1686. Letters, i. 277., &c.

[b] Id. 308.

[c] Sheridan MSS.

[d] Sheridan MSS. It should be observed, that the passages relating to Ireland in the Life of James II., vol. ii. pp. 59—63., were not written by the King, and do not even profess to be founded on the authority of his MSS. They are merely a statement made by Mr. Dicconson, the compiler of that work.

admission of persons otherwise qualified into corporations. Tyrconnel disregarded such distinctions, and declared, with one of his usual oaths, "I do not know what to say to that; I would have all the Catholics in."[a] Three unexceptionable judges of the Protestant persuasion were, by the King's command, removed from the bench to make way for three Catholics, Daly, Rice, and Nugent; also, it ought to be added, of unobjectionable character and competent learning in their profession.[b] Officious sycophants hastened to prosecute those incautious Protestants who, in the late times of zeal against popery, had spoken with freedom against the succession of the Duke of York, though it is due to justice to remark, that the Catholic council, judges, and juries, discouraged these vexatious prosecutions, and prevented them from producing any very grievous effects. The King had in the beginning solemnly declared his determination to adhere to the Act of Settlement; but Tyrconnel, with his usual imprecations, said to the Lord Lieutenant, "These Acts of Settlement, and this new interest, are ——— things."[c] The coarseness and insolence of Tyrconnel could not fail to offend the Lord Lieutenant. But it is apparent, from his own description, that he was still more frightened than provoked, and perhaps more decorous language would not have so suddenly and completely subdued the little spirit of the demure Lord. Certain it is that these scenes of violence were immediately followed by the most profuse professions of his readiness to do whatever the King required, without any reservation even of the interest of the Established Church. These professions were not merely formularies of that ignoble obsequiousness which degrades the inferior too much to exalt the superior. They were explicit and precise declarations relating to the particulars of the most momentous measures then in agitation. In speaking of the reformation of the army he repeated his assurance to Sunderland, "that the King may have every thing done here which he has a mind to, and it is more easy to do

[a] Clar. 20th July, 1686, and 31st July, 1686.
[b] Clar. 19th June, 1686.
[c] Clar. 8th June, 1686.

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things quietly than in a storm."[a] He descended to declare even to Tyrconnel himself, that "it was not material how many Roman Catholics were in the army, if the King would have it so; for whatever his Majesty would have should be made easy as far as lay in me."[b]

In the mean time Clarendon had incurred the displeasure of the Queen by his supposed civilities to Lady Dorchester during her residence in Ireland.[c] The King was also displeased at the disposition which he imputed to the Lord Lieutenant rather to traverse than to forward the designs of Tyrconnel in favour of the Catholics.[d] It was in vain that the submissive viceroy attempted to disarm these resentments by abject declarations of deep regret and unbounded devotedness.[e] The daily decline of the credit of Rochester deprived his brother of his best support; and Tyrconnel, who returned to court in August, 1686, found it easy to effect a change in the government of Ireland. But he found more difficulty in obtaining that important government for himself. Sunderland tried every means but the resignation of his own office to avert so impolitic an appointment. He urged the declaration of the King, on the removal of Ormond, that he would not bestow the lieutenancy on a native Irishman. He represented the danger of alarming all Protestants, by appointing to that office an acknowledged enemy of the Act of Settlement, and exciting the apprehensions of all Englishmen, by intrusting Ireland to a man so devoted to the service of Louis XIV. He offered to make Tyrconnel a Major General on the English staff, with a pension of 5000*l.* a year, and with as absolute though secret authority in the affairs of Ireland as Lauderdale had possessed in those of Scotland. He promised that after the abrogation of the penal laws in England, Tyrconnel, if he pleased, might be appointed Lord Lieutenant in the room of Lord Powis, who was destined for the present to succeed Clarendon. Tyr-

[a] Clar. 20th July, 1686.
[b] Id. 30th July, 1686.
[c] Id.
[d] Id. 6th October, 1686.
[e] Clar. to the King, 6th October; to Lord Rochester, 23d October, 1686.

connel turned a deaf ear to these proposals, and threatened to make disclosures to the King and Queen which might overthrow the policy and power of Sunderland. That nobleman, when he was led by his contest with Rochester to throw himself into the arms of the Roman Catholics, had formed a more particular connection with Jermyn and Talbot, as the King's favourites, and as the enemies of the family of Hyde. Tyrconnel now threatened to disclose the terms and objects of that league, the real purpose of removing Lady Dorchester, and the declaration of Sunderland, when this alliance was formed, that the King could only be governed by a woman or a priest, and that they must therefore combine the influence of the Queen with that of Father Petré. CHAP. IV. 1686.

Sunderland appears to have made some resistance after this formidable threat; and Tyrconnel proposed that the young Duke of Berwick should marry his daughter, and be created Lord Lieutenant, while Tyrconnel himself should enjoy the power under the more modest title of Lord Deputy.[a] A council, consisting of Sunderland, Tyrconnel, and the Catholic ministers, was held on the affairs of Ireland in the month of October. The members who gave their opinions before Tyrconnel maintained the necessity of conforming to the Act of Settlement; but Tyrconnel exclaimed against them for advising the King to an act of injustice ruinous to the interests of religion. The conscience of James was alarmed, and he appointed the next day to hear the reasons of state which Sunderland had to urge on the opposite side. Tyrconnel renewed his vehement invectives against the iniquity and impiety of the counsels which he opposed; and Sunderland, who began as he often did with useful advice, ended, as usual, with a hesitating and ambiguous submission to his master's pleasure[b], trusting to accident and his own address to prevent or mitigate the execution of violent measures. These proceedings

[a] London Gazette, 2225. All these particulars are to be found in Sheridan's MSS Sheridan accompanied Tyrconnel, as secretary, to Ireland. It is but justice to add that, in a few months, they became violent enemies.

[b] Mons. D'Adda, MSS. Corres. 15th November, 1687.

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decided the contest for office; and Tyrconnel received the sword of state as Lord Deputy on the 12th February, 1687.

His appointment as Lord Deputy.

Advancement of Catholics to offices.

The King's professions of equality and impartiality in the distribution of office between the two adverse communions were speedily and totally disregarded. The Lord Deputy and the greater part of the privy council, the Lord Chancellor with three fourths of the judges, all the King's counsel but one, almost all the sheriffs, and a majority of corporators and justices, were, in less than a year, Catholics; numbers so disproportioned to the relative property, education, and ability for business, to be found in the two religions, that even if the appointments had not been tainted with the inexpiable blame of defiance to the laws, they must still have been regarded by the Protestants with the utmost apprehension, as indications of sinister designs. Fitten, the Chancellor, was promoted from the King's Bench prison, where he had been long a prisoner for debt; and he was charged, though probably without reason, by his opponents, with forgery, said to have been committed in a long suit with Lord Macclesfield. His real faults were ignorance and subserviency. Neither of these vices could be imputed to Sir Richard Nagle, the Catholic Attorney General, who seems chargeable only with the inevitable fault of being actuated by a dangerous zeal for his own suffering party. It does not appear that the Catholic judges actually abused their power. We have already seen that, instead of seeking to retaliate for the murders of the Popish plot, they discountenanced prosecutions against their adversaries with a moderation and forbearance very rarely to be discovered in the policy of parties in the first moments of victory over long oppression. It is true that these Catholic judges gave judgment against the charters of towns. But in these judgments they only followed the example of the most eminent of their Protestant brethren in England.[a] The evils of

[a] Our accounts of Tyrconnel's Irish administration before the Revolution are peculiarly imperfect and suspicious. King, afterwards Archbishop of Dublin, whose "State of the Protestants" has been usually quoted as authority, was the most zealous of Irish Protestants, and his ingenious antagonist, Lesly, was the most inflexible of Jacobites. Though both were men of great abilities, their attention was so much occupied in personalities and in the discussion

insecurity and alarm were those which were chiefly experienced by the Irish Protestants. These mischiefs, very great in themselves, depended so much on the character, temper, and manner of the Lord Deputy, on the triumphant or sometimes threatening conversation of their Catholic neighbours, on the recollection of bloody civil wars, and on the painful consciousness which haunts the possessors of recently confiscated property, that it may be thought unreasonable to require any other or more positive proof of their prevalence. Some visible fruits of the alarm are pointed out. The Protestants, who were the wealthiest traders as well as the most ingenious artisans of the kingdom, began to emigrate. The revenue is said to have declined. The greater part of the Protestant officers of the army, alarmed by the removal of their brethren, sold their commissions for inadequate prices, and obtained military appointments in Holland, then the home of the exile and the refuge of the oppressed.[a] But that which Tyrconnel most pursued, and the Protestants most dreaded, was the repeal of the Act of Settlement. The new proprietors were not, indeed, aware how much cause there was for their alarms. Tyrconnel boasted that he had secured the support of the Queen by the present of a pearl necklace worth 10,000*l.*, which Prince Rupert had bequeathed to his mistress. In all extensive transfers of property not governed by rules of law, where both parties to a corrupt transaction have a great interest in concealment, and where there can seldom be any effective responsibility either judicial or moral, the suspicion of bribery must be incurred, and the temptation itself must often prevail. Tyrconnel asked Sheridan, his secretary, whether he did not think the Irish would give 50,000*l.* for the repeal of the Act of Settlement. "Certainly," said Sheridan, "since the new interest paid three times that sum

of controverted opinions, that they have done little to elucidate matters of fact. Clarendon and Sheridan's MSS. agree so exactly in their picture of Tyrconnel, and have such an air of truth in their accounts of him that it is not easy to refuse them credit, though they were both his enemies.

[a] "The Earl of Donegal," says Sheridan, "sold for 600 guineas a troop of horse which, two years before, cost him 1800 guineas." Sheridan MSS.

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to the Duke of Ormond for passing it." Tyrconnel then authorised Sheridan to offer to Lord Sunderland 50,000*l.* in money, or 5000*l.* a year in land for the repeal. Sunderland preferred the 50,000*l.*; but with what seriousness of purpose cannot be ascertained, for the repeal was not adopted, and the money was never paid[a]; and Sunderland seems to have continued to thwart and traverse a measure which he did not dare openly to resist. The absolute abrogation of laws under which so much property was held seemed to be beset with such difficulty, that in the autumn of the following year Tyrconnel, on his visit to England, proposed a more modified measure, which aimed only at affording a partial relief to the ancient proprietors. In the temper which then prevailed, a partial measure produced almost as much alarm as one more comprehensive, and was thought to be intended to pave the way for total resumption. The danger consisted in enquiry; the object of apprehension was any proceeding which brought this species of legal possession into question. The proprietors dreaded the approach of discussion to their invidious and originally iniquitous titles. It would be hard to expect that James should abstain from relieving his friends lest he might disturb the secure enjoyment of his enemies. Motives of policy, however, and some apprehensions of too sudden a shock to the feelings of Protestants in Great Britain, retarded the final adoption of this measure. It could only be carried into effect by the parliament of Ireland; and it was not thought wise to call a Parliament till every part of the internal policy of the kingdom which could influence the elections of that assembly should be completed. Probably, however, the delay principally arose from daring projects of separation and independence, which were entertained by Tyrconnel, and of which a short statement (in its most important parts hitherto unknown to the public) will conclude the account of his administration.

Tyrconnel aims at the sovereign power in Ireland.

In the year 1666, towards the close of the first Dutch war, Louis XIV. made preparations for invading Ireland with an army of 20,000 men, under the Duc de Beaufort, assured by the Irish

[a] Sheridan MSS.

ecclesiastics, that he would be joined by the Catholics, then more than usually incensed by the confirmation of the Act of Settlement, and by the English statutes against the importation of the produce of Ireland. To this plot, which was discovered by the Queen-mother at Paris, and by her disclosed to Charles II., it is not probable that so active a leader as Tyrconnel could have been a stranger.[a] We are informed by his secretary[b], that, during his visits to England in 1686, he made no scruple to avow projects of the like nature, when, after some remarks on the King's declining age, and on the improbability that the Queen's children, if ever she had any, should live beyond infancy, he declared, "that the Irish would be fools or madmen if they submitted to be governed by the Prince of Orange, or by Hyde's grand-daughters; that they ought rather to take that opportunity of resolving no longer to be the slaves of England, but to set up a king of their own under the protection of France, which he was sure would be readily granted, and he added that nothing could be more advantageous to Ireland or ruinous to England." His reliance on French support was probably founded on the general policy of Louis XIV.; on his conduct towards Ireland in 1666, and, perhaps, on information from Catholic ecclesiastics in France: but he was not long content with these grounds of assurance. During his residence in England in the autumn of 1687, he had recourse to decisive and audacious measures for ascertaining how far he might rely on foreign aid in the execution of his ambitious schemes. A friend of his at court (whose name is concealed, but who probably was either Henry Jermyn or Father Petré,) applied

Intrigues with France.

[a] There are obscure intimations of this intended invasion in Carte's Ormond, ii. 328. The resolutions of the parliament of Ireland concerning it are to be found in the Gazette, 25th—28th December, 1665. Louis XIV. himself tells us, that he had a correspondence with those whom he calls the remains of Cromwell in England, and "with the Irish Catholics, who, always discontented with their condition, seem ever ready to join any enterprise which may render it more supportable. Oeuvres de Louis XIV., ii. 203. Sheridan's MS. contains more particulars. It is supported by the printed authorities as far as they go; and being written at St. Germains, probably differed little in matters of fact from the received statements of the Jacobite exiles.

[b] Sheridan MSS.

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on his behalf to M. Bonrepaux, a confidential agent then employed by the court of Versailles in London, on a special mission[a], expressing his desire, in case of the death of James II., to take measures to prevent Ireland from falling under the domination of the Prince of Orange, and to place that country under the protection of the most Christian King. Tyrconnel expressed his desire that Bonrepaux should go to Chester for the sake of a full discussion of this important proposition. But that wary minister declined a step which would have amounted to the opening of a negotiation, until he had authority from his government. He promised to keep the secret, especially from Barillon, who it was feared would betray it to Sunderland, then avowedly distrusted by the Lord Deputy. The minister, in communicating this proposition to his court, adds, that he very certainly knew the King of England's intention to be to deprive his presumptive heir of Ireland, to make that country an asylum for all his Catholic subjects, and to complete his measures on that subject in the course of five years; a time which Tyrconnel thought much too long, and earnestly besought the King to abridge. Bonrepaux also observes, that the Prince of Orange certainly apprehended such designs; and James told the nuncio that one of the objects of the extraordinary mission of Dykveldt was the affair of Ireland, happily begun by Tyrconnel[b], as the same prelate was afterwards informed by Sunderland, that Dykveldt expressed a fear of general designs against the succession of the Prince and Princess of Orange.[c] Bonrepaux was speedily instructed to inform Tyrconnel, that if on the death of James he could maintain himself in Ireland, he might rely on effectual aid from Louis to preserve the Catholic religion, and to separate that country from England, when under the dominion of a Protestant sovereign.[d] Tyrconnel is said to have agreed, without the knowledge of his own master, to put four Irish sea ports, Kinsale, Waterford, Limerick, and either

[a] Bonrepaux à Seignelai, 4th September, 1687. Fox MSS. ii. Supplement.
[b] Lettere de Mons. D'Adda, 7th Febbraio, 1687.
[c] Id. 20th June, 1687.
[d] Seignelai à Bonrepaux, 29th September, 1687.

Galway or Coleraine, into the hands of France.[a] The remaining particulars of this bold and hazardous negotiation were reserved by Bonrepaux till his return to Paris; but he closes his last despatch with the singular intimation that several Scotch lords had sounded him on the succour they might expect from France, on the death of James, to exclude the Prince and Princess of Orange from the throne of Scotland: objects so far beyond the usual aim of ambition, and means so much at variance with prudence as well as duty, could hardly have presented themselves to any mind whose native violence had not been inflamed by an education in the school of conspiracy and insurrection; nor even to such but in a country which, from the division of its inhabitants, and the impolicy of its administration, had constantly stood on the brink of the most violent revolutions; where quiet seldom subsisted long but as the bitter fruit of terrible examples of cruelty and rapine, and where the majority of the people easily listened to offers of foreign aid against a government which they considered as the most hostile of foreigners.

[a] Sheridan MSS.

CHAP. V.

RUPTURE WITH THE PROTESTANT TORIES. — INCREASED DECISION OF THE KING'S DESIGNS. — ENCROACHMENTS ON THE CHURCH ESTABLISHMENT. — CHARTER-HOUSE. — OXFORD UNIVERSITY COLLEGE. — CHRIST CHURCH. — EXETER COLLEGE, CAMBRIDGE. — MAGDALEN COLLEGE, OXON. — DECLARATION OF LIBERTY OF CONSCIENCE. — SIMILAR ATTEMPTS OF CHARLES. — PROCLAMATION AT EDINBURGH. — RESISTANCE OF THE CHURCH.

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Rupture with the Protestant Tories.

In the beginning of the year 1687 the rupture of James with the powerful party who were ready to sacrifice all but the Church to his pleasure appeared to be irreparable. He had apparently destined Scotland to set the example of unbounded submission, under the forms of the constitution; and he undoubtedly hoped that the revolution in Ireland would supply him with the means of securing the obedience of his English subjects by intimidation or force. The failure of his project in the most Protestant part of his dominions, and its alarming success in the most Catholic, alike tended to widen the breach between parties in England. The Tories were more alienated from the crown by the example of their friends in Scotland, as well as by their dread of the Irish. An unreserved compliance with the King's designs became notoriously the condition by which office was to be obtained or preserved; and, except a very few instances of personal friendship, the public profession of the Catholic faith was required as the only security for that compliance. The royal confidence and the direction of public affairs were transferred from the Protestant Tories, in spite of their services and sufferings during half a century, into the hands of a faction, who, as their title to power was zeal for the advancement of Popery, must be called Papists, though some of them professed the Protestant religion, and though their

maxims of policy, both in church and state, were dreaded and resisted by the most considerable of the English Catholics.

It is hard to determine, perhaps it might have been impossible for James himself to say, how far his designs for the advancement of the Roman Catholic church extended at the period of his accession to the throne. It is agreeable to the nature of such projects that he should not, at first, dare to avow to himself any intention beyond that of obtaining relief for his religion, and placing it in a condition of safety and honour; but it is altogether improbable that he had even then steadily fixed on a secure toleration as the utmost limit of his endeavours. His schemes were probably vague and fluctuating, assuming a greater distinctness with respect to the removal of grievous penalties and disabilities, but always ready to seek as much advantage for his church as the progress of circumstances should render attainable: sometimes drawn back to toleration by prudence or fear, on other occasions impelled to more daring counsels by the pride of success, or by anger at resistance. In this state of fluctuation it is not altogether irreconcilable with the irregularities of human nature that he might have sometimes yielded a faint and transient assent to those principles of religious liberty which he professed in his public acts, though even this superficial sincerity is hard to be reconciled with his share in the secret treaty of 1670; with his administration of Scotland, where he carried his passion for intolerance so far as to be the leader of one sect of heretics in the bloody persecution of another; and with his language to Barillon, to whom, at the very moment of his professed toleration, he declared his approbation of the cruelties of Louis XIV. against his own Protestant subjects.[a] It would be extravagant to expect that the liberal maxims which adorned his public declarations had taken such a

[a] "J'ai dit au Roi que V. M. n'avoit plus au cœur que de voir prosperer les soins qu'il prends ici pour y etablir la religion Catholique. S. M. B. me dit en me quittant; "Vous voyez que je n'omets rien de ce qui est en mon pouvoir. J'espere que le Roi votre maître m'aidera, et que *nous ferons* de concert des grandes choses pour la religion.'" Barillon, $\frac{2d}{12th}$ May, 1687. 1 Fox MSS. 183.

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hold on his mind as should withhold him from endeavouring to establish his own religion as soon as his sanguine zeal should lead him to think it practicable, or that he should not in process of time go on to guard it by that code of disabilities and penalties which was then enforced by every state in Europe except Holland, and deemed an indispensable security for their religion by every Christian community, except the obnoxious sects of the Socinians, Independents, Anabaptists, and Quakers. Whether he meditated a violent change of the established religion from the beginning, or only entered on a course of measures which must terminate in its subversion, is rather a philosophical than a political question. In both cases, apprehension and resistance were alike reasonable; and in neither could an appeal to arms be warranted until every other means of self-defence had proved manifestly hopeless.

Increased decision of the King's designs.

Whatever opinions may be formed of his intentions at an earlier period, it is evident that in the year 1687 his resolution was taken; though still no doubt influenced by the misgivings and fluctuations incident to vast and perilous projects, especially when they are entertained by those whose character is not so daring as their designs. All the measures of his internal government, during the eighteen months which ensued, were directed to the overthrow of the Established Church, an object which was to be attained by assuming a power above law, and could only be preserved by a force sufficient to bid defiance to the repugnance of the nation. An absolute monarchy, if not the first instrument of his purpose, must have been the last result of that series of victories over the people which the success of his design required. Such, indeed, were his conscientious opinions of the constitution, that he thought the Habeas Corpus Act inconsistent with it; and so strong was his conviction of the necessity of military force to his designs at that time, that in his dying advice to his son, written long afterwards, in secrecy and solitude, after a review of his own government, his injunction to the Prince is, "Keep up a considerable body of Catholic troops, without which you cannot be safe."[a]

[a] Life of James II., ii. 621.

The liberty of the people, and even the civil constitution, were as much the objects of hostility as the religion of the great majority, and their best security against ultimate persecution.

Encroachments on the Church Establishment.

The measures of the King's domestic policy, indeed, consisted rather in encroachments on the Church than in measures of relief to the Catholics. He, in May, 1686, granted dispensations to the curate of Putney, a convert to the Church of Rome, enabling him to hold his benefices, and relieving him from the performance of all the acts inconsistent with his new religion, which a long series of statutes had required clergymen of the Church of England to perform.[a] By following this precedent, the King might have silently transferred to ecclesiastics of his own communion many benefices in every diocese of which the Bishop had not the courage to resist the dispensing power. The converted incumbents would preserve their livings under the protection of that prerogative, and Catholic priests might be presented to benefices without any new ordination; for the Church of England, although she treats the ministers of any other Protestant communion as being only in pretended holy orders, recognises the ordination of the Church of Rome, which she sometimes calls idolatrous, in order to maintain, even through idolatrous predecessors, that unbroken connection with the apostles which she deems essential to the power of conferring the sacerdotal character. This obscure encroachment, however, escaped general observation. The first attack on the laws to which resistance was made was a royal recommendation of Andrew Popham, a Catholic, to the Governors of the Charter House, (a hospital school, founded by a merchant of London, named Sutton, on the site of a Carthusian monastery,) to be re-

Charter House.

[a] Dispensation to Edward Sclater, rector of Esher and curate of Putney, dispensing with sixteen acts of parliament, from 21 Hen. VIII. to 17 Charles II., 3d May, 1686. — Gutch, Collectanea Curiosa, i. 290. and Reresby, 233. Lysons's Environs of London, i. 410. Sclater publicly recanted the Romish religion on the 5th of May, 1689, a pretty rapid retreat. Account of E. Sclater's return to the Church of England, by Dr. Horneck. London, 1689. It is remarkable that Sancroft, so far exercised his archiepiscopal jurisdiction as to authorise Sclater's admission to the Protestant communion on condition of public recantation, at which Burnet preached: yet the pious Horneck owns that the juncture of time tempted him to smile.

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ceived by him as a pensioner on their opulent establishment, without taking the oaths required both by the general laws and by a statute[a] passed for the government of that foundation.[b] Among the governors were persons of the highest distinction in church and state. The Chancellor, at their first meeting, intimated the necessity of immediate compliance with the King's mandate. Thomas Bennet, Master of the Charter House, a man justly celebrated for genius, eloquence, and learning, had the courage to maintain the authority of the laws against an opponent so formidable. He was supported by the aged Duke of Ormond, and Jeffreys's motion was negatived. A second letter to the same effect was addressed to the Governors, which they persevered in resisting; assigning their reasons in a letter[c] to one of the secretaries of state, which was subscribed by the Archbishop of Canterbury, the Bishop of London, Ormond, Halifax, Nottingham, and Danby. This courageous resistance by a single clergyman, countenanced by such weighty names, induced the court to pause till experiments were tried in other places, where politicians so important could not directly interfere. The attack on the Charter House was suspended and never afterwards resumed. To Bennet, who thus threw himself alone into the breach, much of the merit of the stand which followed justly belongs: he was requited like other public benefactors; his friends forgot the service, and his enemies were excited by the remembrance of it to defeat his promotion, on the pretext of his free exercise of reason in the interpretation of the Scriptures, which the established clergy zealously maintained in vindication of their own separation from the Roman Church, but treated with little tenderness in those who dissented from their own creed.

Measures of a bolder nature were resorted to on a more conspicuous stage. The two great universities of Oxford and Cam-

[a] 3 Charles I. (Private Act.)

[b] 20th December, 1686. Relation of the Proceedings at the Charter House, p. 3. London, 1689. folio. Carte's Ormond, ii. 246.

[c] 25th June, 1687.

bridge, the most opulent and splendid literary institutions of Europe, were from their foundation under the government of the clergy, the only body of men who then possessed sufficient learning to conduct education. Their constitution was not much altered at the Reformation: the same reverence which spared their monastic regulations happily preserved their rich endowments from rapine; and though many of their members suffered at the close of the civil war from their adherence to the vanquished party, the corporate property was undisturbed, and their studies flourished both under the Commonwealth and the Protectorate. Their fame as seats of learning, their station as the ecclesiastical capitals of the kingdom, and their ascendant over the susceptible minds of all youth of family and fortune, now rendered them the chief scene of the decisive contest between James and the established church. Obadiah Walker, Master of University College in Oxford, a man of no small note for ability and learning, and long a concealed Catholic, now obtained for himself, and two of his fellows, a dispensation from all those acts of participation in the Protestant worship which the laws since the Reformation required from them[a], together with a license for the publication of books of Catholic theology. He established a printing press, and a Catholic chapel in his college, which was henceforth regarded as having fallen into the hands of the Catholics. Both these exertions of the prerogative had preceded the determination of the judges, which was supposed by the King to establish its legality. Animated by that determination, he (contrary to the advice of Sunderland, who thought it safer to choose a well affected Protestant,) proceeded to appoint one Massey, a Catholic, who appears to have been a layman, to the high station of Dean of Christ Church at Oxford, by which he became a dignitary of the Church of England, as well as the ruler of the greatest college in the university. A dispensation and pardon had been granted to him on the 16th of December, 1686, dispensing with the numerous statutes which

University College, Oxford.

[a] In May, 1686. Gutch's Collect. Curios. i. 287. Wood's Athenæ Oxon. iv. 438. ed. 1820. Dod's Church History, iii. 454.

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stood in the way of his promotion, one of which was the act of uniformity, the only foundation of the legal establishment[a] of the Church. His refusal of the oath of supremacy was recorded; but he was, notwithstanding, installed in the deanery without resistance or even remonstrance, by Aldrich, the sub-dean, an eminent divine of the high church party, who, on the part of the College, accepted the dispensation as a substitute for the oaths required by law. Massey appears to have attended the chapter officially on several occasions, and to have presided at the election of a Bishop of Oxford near two years afterwards.

Thus did that celebrated society, overawed by power, or still misled by their extravagant principle of unlimited obedience, or, perhaps, not yet aware of the extent of the King's designs, recognise the legality of his usurped power by the surrender of an academical office of ecclesiastical dignity into hands which the laws had disabled from holding it. It was no wonder, that the unprecedented vacancy of the archbishopric of York for two years and a half was generally imputed to the King's intending it for Father Petré; a supposition countenanced by his frequent application to Rome to obtain a bishopric and a cardinal's hat for that Jesuit[b]; for if he had been a Catholic bishop, and if the chapter of York were as submissive as that of Christ Church, the royal dispensation would have seated him on the archiepiscopal throne. The Jesuits were bound by a vow[c] not to accept bishoprics unless compelled by a precept from the Pope, so that his interference was necessary to open the gates of the English church to Petré.

Exeter College.

An attempt was made on specious grounds to take possession of another college at Oxford, by a suit before the ecclesiastical commissioners, in which private individuals were the apparent parties.

[a] Letters of Henry Earl of Clarendon, ii. 278. Gutch's Coll. Cur. ii. 294. The dispensation to Massey contained an ostentatious enumeration of the laws which it sets at defiance.

[b] Dod's Ch. Hist. iii. 511. D'Adda's MSS. Corresp. 1687.

[c] Imposed by Ignatius, at the suggestion of Claude Le Jay, an original member of the order, who wished to avoid a bishopric, probably from humility, but the regulation afterwards prevented the Jesuits from looking for advancement any where but to Rome.

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The noble family of Petre (of whom Father Edward Petre was one), in January, 1687, claimed the right of nomination to seven fellowships in Exeter College, which had been founded there by Sir W. Petre, in the reign of Elizabeth. It was acknowledged on the part of the college, that Sir William and his son had exercised that power, though the latter, as they contended, had nominated only by sufferance. The Bishop of Exeter, the visitor of the college, had, in the reign of James I., pronounced an opinion against the founder's descendants, and a judgment had been obtained against them in the Court of Common Pleas about the same time. Under the sanction of these authorities, the college had for seventy years nominated to these fellowships without disturbance from the family of Petre. Allibone, the Catholic lawyer, contended, that this long usage, which would otherwise have been conclusive, deserved little consideration in a period of such iniquity towards Catholics that they were deterred from asserting their civil rights. Lord Chief Justice Herbert observed, that the question turned upon the agreement between Sir William Petre and Exeter College, under which that body received the fellows on his foundation. Jeffreys, perhaps, fearful of violent measures at so early a stage, and taking advantage of the non-appearance of the Crown as an ostensible party, declared his concurrence with the Chief Justice, and the court determined that the suit was a civil case, dependent on the interpretation of a contract, and therefore not within their jurisdiction as commissioners of ecclesiastical causes. Sprat afterwards took some merit to himself for having contributed to save Exeter College from the hands of the enemy. But the concurrence of the Chancellor and Chief Justice, and the technical ground of the determination, render the vigour and value of his resistance very doubtful.[a]

The honour of opposing the illegal power of the Crown devolved

[a] Sprat's Letter to Lord Dorset, p. 12. This case is now published from the Records of Exeter College, for the first time, through the kind permission of Dr. Jones, the present rector of that society.

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on Cambridge, second to Oxford in rank and magnificence, but then more distinguished by zeal for liberty: a distinction probably originating from the long residence of Charles I. at Oxford, and from the prevalence of the parliamentary party at the same period, in the country around Cambridge. The experiment was made there on the whole university, but it was of a cautious and timid nature, and related to a case important in nothing but the principle which it would have established. Early in February, 1687, the King recommended Alban Francis, a Benedictine monk (said to have been a missionary employed to convert the young scholars to the Church of Rome, on whom an academical honour could hardly have been conferred without some appearance of countenancing his mission), to be admitted a master of arts; which was a common act of kingly authority; and granted him a dispensation from the oaths appointed by law to be taken on such an admission.[a] Peachell, the vice-chancellor, declared, that he could not tell what to do; to decline his Majesty's letter or his laws. Men of more wisdom and courage persuaded him to choose the better part. He refused the degree without the legal condition.[b] On the complaint of Francis he was summoned before the ecclesiastical commissioners to answer for his disobedience. He was vigorously supported by the university, who appointed deputies to attend him to the bar of the hostile tribunal, and after several hearings he was deprived of his vice-chancellorship, and suspended from his office of master of Magdalen College. Among the deputies at the bar, and probably undistinguished from the rest by the ignorant and arrogant Chancellor, who looked down upon them all with the like scorn, stood Isaac Newton, Professor of Mathematics in the university, then employed in the publication of a work which will perish only with the world, but who showed

Cambridge.

[a] State Trials, xi. 1350. N. Lutterell, April and May, 1687.

[b] Pepys' Diary, ii. Corresp. 79. He consistently pursued the doctrine of passive obedience. "If," says he, "his M., in his wisdom, and accerding to his supreme power, contrive other methods to satisfy himself, *I shall be no murmurer or complainer*, but can be no abettor." Ibid. 81.

on that, as on every other fit opportunity in his life, that the most sublime contemplations and the most glorious discoveries could not withdraw him from the defence of the liberties of his country.

Magdalen College, Oxon.

But the attack on Oxford, which immediately ensued, was the most memorable of all. The presidency of Magdalen College, one of the most richly endowed communities of the English universities, had lately become vacant by the death of the president, in the end of March, 1687.[a] It appears to have given occasion to immediate attempts to obtain from the King a nomination to that desirable office. Smith, one of the fellows, paid his court, with this view, to Parker, the treacherous Bishop of Oxford[b], who, after having sounded his friends at court, warned him "that the King expected the person to be recommended should be favourable to his religion." Smith answered by general expressions of loyalty, which Parker assured him "would not do." A few days afterwards[c], Sancroft anxiously asked Smith who was to be the president; to which he answered, "Not I; I never will comply with the conditions." Some rumours of the projects of James probably induced the fellows of Magdalen College, on the 31st of March, to appoint the meeting for the election for the 13th of April. On the 5th of April, the King issued his letter mandatory, commanding them to make choice of Antony Farmer, not a member of the college, and a recent convert to the Church of Rome, "any statute or custom to the contrary notwithstanding." On the 9th, the fellows agreed to a petition to the King, which was delivered the next day to Lord Sunderland, to be laid before his Majesty, in which they alleged that Farmer was legally incapable of the office, and prayed either that they might be left to make a free election, or that the King would recommend some person fit to be preferred. On the 11th, the mandate arrived, and on the 13th the election was postponed to the 15th, the last day on which it could by the statutes be made, to allow

[a] State Trials, xii. 1. Wilmot's Life of Hough, particularly the Journal of Dr. Smith, a fellow who submitted to the royal command; in Howell's edition of the State Trials.

[b] 26th and 29th March, 1687.

[c] 5th April, 1687.

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time for receiving an answer to the petition. On that day they were informed that the King "expected to be obeyed." A small number of senior fellows proposed a second petition, but the larger and younger part rejected the proposal with indignation, and proceeded to the election of Mr. Hough, after a discussion more agreeable to the natural feelings of injured men than to the principles of passive obedience recently promulgated by the university.[a] The fellows were summoned, in June, before the Ecclesiastical Commission, to answer for their contempt of his Majesty's commands. On their appearance, Fairfax, one of their body, having desired to know the commission by which the court sat, Jeffreys said to him, "What commission have you to be so impudent in court. This man ought to be kept in a dark room. Why do you suffer him without a guardian."[b] On the 22d of that month, Hough's election was pronounced to be void, and the vice-president, with two of the fellows, were suspended. But proofs of such notorious and vulgar profligacy had been produced against Farmer, that it was thought necessary to withdraw him in August. The fellows were directed by a new mandate to admit Parker, bishop of Oxford, to the presidency.

This man was as much disabled by the statutes of the college as Farmer, but as servility and treachery, though immoralities often of a deeper dye than debauchery, are neither so capable of proof nor so easily stripped of their disguises, the fellows were by this recommendation driven to the necessity of denying the dispensing power. Their inducements, however, to resist him, were strengthened by the impossibility of representing them to the King. Parker, originally a fanatical puritan, became a bigoted churchman at the Restoration, and disgraced abilities not inconsiderable by the zeal with which he defended the persecution of

[a] Hot debates arose about the King's letter, and horrible rude reflections were made upon his authority, that he had nothing to do in our affair, *and things of a far worse nature and consequence.* I told one of them that the spirit of Fergusson had got into him. T. Smith's Diary. Howell's State Trials, xii. 58.

[b] In N. Lutterell's Diary, Jeffreys is made to say of Fairfax, "He is fitter to be in a madhouse."

his late brethren, and by the unbridled ribaldry with which he reviled the most virtuous men among them. His labours for the Church of England were no sooner rewarded by the bishopric of Oxford, than he transferred his services, if not his faith, to the Church of Rome, which then began to be openly patronised by the Court, and seems to have retained his station in the Protestant hierarchy in order to contribute more effectually to its destruction. The zeal of those who are more anxious to recommend themselves than to promote their cause is often too eager, and the convivial enjoyments of Parker often betrayed him into very imprudent and unseemly language.[a] Against such an intruder the members of Magdalen College had the most powerful motives to make a vigorous resistance. They were summoned into the presence of the King when he arrived at Oxford in September, and was received by the body of the university with such demonstrations of loyalty as to be boasted of in the Gazette.[b] "The King chid them very much for their disobedience," says one of his attendants, "and with a much greater appearance of anger than ever I perceived in his Majesty; who bade them go away and choose the Bishop of Oxford, or else they should certainly feel the weight of their sovereign's displeasure."[c] They answered respectfully, but persevered. They received private warnings, that it was better to acquiesce in a head of suspected religion, such as the Bishop, than expose themselves to be destroyed by the subservient judges, in proceedings of *quo warranto*, for which the inevitable breaches of their innumerable statutes would supply a fairer pretext than was sufficient in the other corporations, or subject themselves to innovations in their religious worship, which might be imposed by the King in virtue of his undefined supremacy over the Church.[d] These insinuations proving vain, the King issued

[a] Athenæ Oxon. ii. 814. It appears that he refused on his death-bed to declare himself a Catholic, which Evelyn justly thinks strange. Evelyn, i. 605.

[b] London Gaz. September 5—8., 1687.

[c] Pepys' Diary, &c. ii. Appendix, 86. Letter of Blathwaite, Secretary of War, to Pepys, Oxford, 5th September, 1687.

[d] Howell, State Trials, xii. 19, &c.

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a commission to Cartwright, Bishop of Chester, Chief Justice Wright, and Baron Jenner, to examine the state of Magdalen College, with full power to alter the statutes and frame new ones, in execution of the authority which he claimed as supreme visitor of cathedrals and colleges, which was held to supersede the powers of their ordinary visitors. The commissioners accordingly arrived at Oxford on the 20th of October, for the purpose of this royal visitation; and the object of it was opened by Cartwright, in a speech full of anger and menace. Hough maintained his own rights and those of his college with equal decorum and firmness. On being asked whether he submitted to the visitation, he answered, "We submit to it as far as it is consistent with the laws of the land and the statutes of the college, but no farther. There neither is nor can be a president as long as I live and obey the statutes." The court cited five cases of nomination to the presidency by the Crown since the Reformation, of which he appears to have disputed only one. But he was unshaken: he refused to give up possession of his house to Parker; and when, on the second day, they deprived him of the presidency, and struck his name off the books, he came into the hall, and protested "against all they had done in prejudice of his right, as illegal, unjust, and null." The strangers and young scholars loudly applauded his courage, which so incensed the court, that the Chief Justice bound him to appear in the King's Bench in a thousand pounds. Parker having been put into possession by force, a majority of the fellows were prevailed on to submit, "as far as was lawful and agreeable to the statutes of the college." The appearance of compromise to which every man feared that his companion might be tempted to yield, shook their firmness for a moment. Fortunately the imprudence of the King set them again at liberty. The answer with which the commissioners were willing to be content did not satisfy him. He required a written submission, in which the fellows should acknowledge their disobedience, and express their sorrow for it. On this proposition they withdrew their former submission, and gave in a writing, in which they finally declared, "that they could

not acknowledge themselves to have done any thing amiss." The Bishop of Chester, on the 16th of November, pronounced the judgment of the court; by which, on their refusal to subscribe a humble acknowledgment of their errors, they were deprived and expelled from their fellowships. Cartwright, like Parker, had originally been a puritan, and was made a churchman by the Restoration. He ran the same race, though with less vigorous powers. He was made Bishop of Chester for a sermon, in which he had inculcated the doctrine, that the promises of kings were not binding[a]; within a few months after these services at Oxford, he was rebuked by the King, for saying in his cups that Jeffreys and Sunderland would deceive him.[b] He was suspected of more opprobrious vices. But the merit of being useful in an odious project was sufficient to cancel all private guilt. A design was at that time entertained of promoting him to the see of London, as soon as the deprivation of Compton, which was in contemplation, should be carried into execution.[c] Early in December, the fellows of Magdalen were incapacitated to hold any benefice or preferment in the church by the ecclesiastical commissioners; a decree, however, which passed that body only by a majority of one; the minority consisting of Lord Mulgrave, Lord Chief Justice Herbert, Baron Jenner, and Sprat, Bishop of Rochester, who boasts, that he laboured to make the commission, which he countenanced by his presence, as little mischievous as he could.[d]

This rigorous measure was probably adopted from the knowledge, that many of the nobility and gentry intended to bestow livings in the church on many of the ejected fellows.[e] The King

[a] Sermon at Ripon, 6th February, 1686. "The King hath, indeed, promised to govern by law; but the safety of the people (of which he is judge) is an exception implied in every monarchical promise." See also his sermon on the 30th January, 1682, at Holyrood House, before the Lady Anne.

[b] Narcissus Lutterell, February, 1688.

[c] Johnston (son of Warriston) to Burnet, 8th December, 1687. Welbeck MSS. Sprat, in his letter to Dorset, speaks of "farther proceedings" as being meditated against Compton.

[d] Johnston, ibid. He does not name the majority. They, probably, were Jeffreys, Sunderland, the Bishops of Chester and Durham, and Lord Chief Justice Wright.

[e] Johnston to Burnet, 17th November, 1687.

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told Sir Edward Seymour, that he had heard that he and others intended to take some of the fellows into their houses, and added, that he should look on it as a combination against him.[a] But in spite of these threats considerable collections were made for them; and when the particulars of the transaction were made known in Holland, the Princess of Orange contributed two hundred pounds to their relief.[b] It was probably by some part of them, that a person so prudent as well as mild, was so transported beyond her usual meekness as to say to D'Albyville, James's minister at the Hague, that if she ever became queen, she would signalise her zeal for the church more than Elizabeth.[c] The King represented to Barillon the apparently triumphant progress which he made through the south and west of England, in the course of which he gave such unbecoming reproof to the fellows of Magdalen College, as a satisfactory proof of the popularity of his person and government.[d] But that experienced statesman, not deceived by these outward shows, began from that moment to see more clearly the dangers which James had to encounter. An attack on the most opulent establishment for education of the kingdom; the expulsion of a body of learned men from their private property without any trial known to the laws, and for no other offence than obstinate adherence to their oaths, and the transfer of their great endowments to the clergy of the King's persuasion, who were legally unable to hold them, even if he had justly acquired the power of bestowing them, were measures of bigotry and rapine, odious and alarming without being terrible, and by which the King lost the attachment of many friends, without inspiring his opponents with much fear. The members of Magdalen College were so much the objects of general sympathy and respect, that though they justly obtained the honours of martyrdom, they experienced little of its sufferings. It is hard to imagine a more unskilful attempt to persecute, than that which thus inflicted

[a] Johnston to Burnet, 8th Dec. 1687.
[b] Smith's Diary in Howell's State Trials, xii. 73. Fox MSS., 202.
[c] Barillon au Roi, 23d September, 1687.
[d] Id. 29th September, 1687. Ibid. 203.

sufferings most easily relieved on men who were most generally respected. In corporations so great as the university the wrongs of every member were quickly felt and resented by the whole body; and the feelings prevalent among them were speedily spread over the kingdom, of which every part received from them preceptors in learning and teachers of religion (a circumstance of peculiar importance at a period when publication still continued to be slow and imperfect). A contest for a corporate right has the advantage of seeming more generous than that for individual interest, and corporate spirit itself is one of the most steady and inflexible principles of human action. An invasion on the legal possessions of the universities was an attack on the strong holds as well as palaces of the Church, and where she was guarded by the magnificence of art, and the dignity and antiquity of learning, as well as by respect for religion. It was made on principles which tended directly to subject the whole property of the Church to the pleasure of the Crown; and as soon as, in a conspicuous and extensive instance, the sacredness of legal possession is intentionally violated, the security of all property is endangered. Whether such proceedings were reconcilable to law, and could be justified by the ordinary authorities and arguments of lawyers, was a question of very subordinate importance.

At an early stage of the proceedings against the universities, the King, not content with releasing individuals from obedience to the law by dispensations in particular cases, resolved on altogether suspending the operation of penal laws relating to religion by one general measure. He accordingly issued, on the 4th of April, 1687[a], "A Declaration for Liberty of Conscience;" which, after the statement of those principles of equity and policy on which religious liberty is founded, proceeds to make provisions in their own nature so wise and just that they want nothing but lawful authority and pure intention to render them worthy of admiration. It suspends the execution of all penal laws for non-

Declaration of liberty of conscience.

[a] London Gazette, 4th April to 7th April, 1687.

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conformity, and of all laws which require certain acts of conformity, as qualifications for civil or military office: it gives leave to all men to meet and serve God after their manner, publicly and privately, and denounces the royal displeasure and the vengeance of the land against all who should disturb any religious worship; and, finally, "in order that his loving subjects may be discharged from all penalties, forfeitures, and disabilities, which they may have incurred, grants them a free pardon for all crimes by them committed against the said penal laws." This declaration, founded on the supposed power of suspending laws, was, in several respects, of more extensive operation than the exercise of the power to dispense with them. The laws of disqualification only became penal when the nonconformist was a candidate for office; and not necessarily implying immorality in the person disqualified, might, according to the doctrine then received, be the proper object of a dispensation. But some acts of nonconformity, which might be committed by all men, and which did not of necessity involve a conscientious dissent, were regarded as in themselves immoral, and to them it was acknowledged that the dispensing power did not extend. Dispensations, however multiplied, are presumed to be grounded on the special circumstances of each case. But every exercise of the power of indefinitely suspending a whole class of laws which must be grounded on general reasons of policy, without any consideration of the circumstances of particular individuals, is evidently a more undisguised assumption of legislative authority. There were practical differences of considerable importance. No dispensation could prevent a legal proceeding from being commenced and carried on as far as the point when it was regular to appeal to the dispensation as a defence. But the declaration which suspended the laws stopped the prosecutor on the threshold; and in the case of disqualification it seemed to preclude the necessity of all subsequent dispensations to individuals. The dispensing power might remove disabilities, and protect from punishment; but the exemption from expense, and the security against vexation, were completed only by this exercise of the suspending power.

Similar attempts of Charles.

Acts of a similar nature had been twice attempted by Charles II. The first was in the year of his restoration; in which[a], after many concessions to Dissenters, which might be considered as provisional, and only to be binding till the negotiation for a general union in religion should be closed, he adds, "We hereby renew what we promised in our declaration from Breda, that no man should be disquieted for difference of opinion in matters of religion, which do not disturb the peace of the kingdom." On the faith of that promise the English Nonconformists had concurred in the Restoration; yet the Convention Parliament itself, in which the Presbyterians were powerful, if not predominant, refused, though by a small majority, to pass a bill to render this tolerant declaration effectual.[b] But the second parliament, elected under the prevalence of a different spirit, broke the public faith by the Act of Uniformity, which prohibited all public worship and religious instruction, except such as were conformable to the Established Church.[c] The zeal of that assembly had, indeed, at its opening, been stimulated by Clarendon, the deepest stain on whose administration is the renewal of intolerance.[d] Charles, whether most actuated by love of quiet, or by indifference to religion, or by a desire to open the gates to Dissenters, that Catholics might enter, made an attempt to preserve the public faith which he had himself pledged by the exercise of his dispensing power. In the end of 1662[e] he published a declaration, in which he assured peaceable Dissenters, who were only desirous modestly to perform their devotions in their way, that he would

[a] Declaration in Ecclesiastical Affairs, 25th October, 1660. Kennett, iii. 242.

[b] Commons' Journals, 28th November, 1660. On the second reading the members were, ayes, 157; noes, 183. Sir G. Booth, a teller for the ayes, was a Presbyterian leader.

[c] 14 Charles II. c. iv. s. 10—15., passed in May, 1662.

[d] Speeches of the Lord Chancellor, 8th May, 1661, and 19th May, 1662. "The Lords Clarendon and Southampton, together with the bishops, were the great opposers of the King's intention to grant toleration to Dissenters, according to the promise at Breda." Life of James II., 391. These, indeed, are not the words of the King; but for more than twelve years on this part of his life the compiler, Mr. Dicconson, does not quote James's MSS.

[e] 25th December, 1662. Kennett's Register, 850. The concluding paragraph, relating to Catholics, is a model of that stately ambiguity under which the style of Clarendon gave him peculiar facilities of cloaking an unpopular proposal.

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make it his special care to incline the wisdom of parliament to concur with him in making some act which, he adds, "may enable us to exercise, with a more universal satisfaction, the dispensing power which we conceive to be inherent in us." In the speech with which he opened the next session, he only ventures to say, "I could heartily wish I had such a power of indulgence."[a] The Commons, however, better royalists or more zealous churchmen than the King, resolved that it be represented to his Majesty, as the humble advice of this House, that no indulgence be granted to Dissenters from the Act of Uniformity[b]; and an address to that effect was presented to him, which had been drawn up by Sir Heneage Finch, his own solicitor-general. The King, counteracted by his ministers, almost silently acquiesced; and the parliament proceeded, in the years which immediately followed, to enact that series of persecuting laws which disgrace their memory, and dishonour an administration otherwise not without claims on praise. It was not till the beginning of the second Dutch war[c], that "a declaration for indulging Nonconformists in matters ecclesiastical" was advised by Sir Thomas Clifford, for the sake of Catholics[d], and embraced by Shaftesbury for the general interests of religious liberty. A considerable debate on this declaration took place in the House of Commons, in which Waller alone had the boldness and liberality to contend for the toleration of the Catholics; but the principle of freedom of conscience, and the desire to gratify

[a] King's Speech, 18th February, 1663.

[b] Commons' Journals, 25th February, 1663.

[c] 15th March, 1672. "We think ourselves obliged to make use of that supreme power in ecclesiastical matters which is inherent in us. We declare our will and pleasure, that the execution of all penal laws in matters ecclesiastical be suspended, and we shall allow a sufficient number of places of worship as they shall be desired, for the use of those who do not conform to the Church of England," without allowing public worship to Roman Catholics.

[d] Locke's Letter from a Person of Quality ——, unpublished, though printed, Life of the Earl of Shaftesbury, chiefly from the papers of Mr. Stronger, 247.

Most English historians tell us that Sir Orlando Bridgman refused to put the Great Seal to this declaration, and that Lord Shaftesbury was made Chancellor to seal it. The falsehood of this statement is proved by the mere inspection of the London Gazette, by which we see that the declaration was issued on the 15th of March, when Lord Shaftesbury was not yet appointed.

the King, yielded to the dread of prerogative and the enmity to the Church of Rome. An address was presented[a] to the King, "to inform him that penal statutes in matters ecclesiastical cannot be suspended but by act of parliament." The King returned an evasive answer; and the House presented another address, declaring "that the King was very much misinformed, no such power having been claimed or recognised by any of his predecessors, and if admitted, might tend to altering the legislature, which has always been acknowledged to be in your Majesty and your two Houses of parliament." In answer to which the King said, "If any scruple remains concerning the suspension of the penal laws, I hereby faithfully promise that what hath been done in that particular shall not be drawn either into consequence or example." The Chancellor and Mr. Secretary Coventry, by command of the King, acquainted both Houses separately, on the same day, that he had caused the declaration to be cancelled in his presence; on which both Houses immediately voted, and presented in a body, an unanimous address of thanks to his Majesty, "for his gracious, full, and satisfactory answer."[b] The whole of this transaction undoubtedly amounted to a solemn and final condemnation of the pretension to a suspending power by the King in parliament: it was in substance not distinguishable from a declaratory law; and the forms of a statute seem to have been dispensed with to avoid the appearance of distrust or discourtesy towards Charles. We can discover, in the very imperfect accounts which are preserved of the debates of 1673, that the advocates of the Crown had laid main stress on the King's ecclesiastical supremacy; it being, as they reasoned, evident that the head of the Church should be left to judge when it was wise to execute or suspend the laws intended for its protection. They relied also on the undisputed right of the Crown to stop the progress of each single prosecution which seemed to justify, by analogy, a more general exertion of the same power. James, in the declaration of indulgence, disdaining any appeals to analogy

[a] 10th and 14th February, 1673: ayes, 168; noes, 116.

[b] Commons' Journals, 8th March, 1673.

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or to his supremacy, chose to take a wider and higher ground, and concluded the preamble in the tone of a master:—"We have thought fit, by virtue of our royal prerogative, to issue forth this our declaration of indulgence, making no doubt of the concurrence of our two Houses of parliament, when we shall think it convenient for them to meet." His declaration was issued in manifest defiance of the parliamentary condemnation pronounced on that of his brother, and it was introduced in language of more undefined and alarming extent. On the other hand, his measure was countenanced by the determination of the judges, and seemed to be only a more compendious and convenient manner of effecting what these perfidious magistrates had declared he might lawfully do. That iniquitous decision might excuse many of those who were ignorant of the means by which it was obtained; but the King himself, who had removed judges too honest to concur in the judgment, and neither continued nor appointed any whose subserviency he had not first ascertained, could plead no such authority in mitigation. He had dictated the oracle which he affected to obey. It is very observable that he himself, or rather his biographer (for it is not just to impute this base excuse to himself), while he claims the protecting authority of the adjudication, is prudently silent on the unrighteous practices by which that show of authority was purchased.[a]

Proclamation at Edinburgh.

The way had been paved for the English declaration of indulgence by a proclamation issued at Edinburgh[b], couched in loftier language than had been hazarded in England:—"We, by our sovereign authority, prerogative royal, and absolute power, do hereby give and grant our royal toleration. We allow and tolerate the moderate Presbyterians to meet in their private houses, and to hear such ministers as have been or are willing to accept of our indulgence, but they are not to build meeting-houses but to exer-

[a] Life of James II. 81. "He," says the biographer, "had no other oracle to apply to on intricate points."

[b] 12th February, 1687. Woodrow, ii. App. No. 129. London Gazette, 28th February to 3d March.

cise in houses. We tolerate Quakers to meet in their form in any place or places appointed for their worship: and we, by our sovereign authority, &c. suspend, stop, and disable, all laws or acts of parliament made or executed against any of our Roman Catholic subjects, so that they shall be free to exercise their religion and to enjoy all; but they are to exercise in houses or chapels: and we cass, annul, and discharge all oaths by which our subjects are disabled from holding offices." He concludes by confirming the proprietors of church lands in their possession, which seemed to be wholly unnecessary while the Protestant establishment endured; and adds an assurance more likely to disquiet than to satisfy, "that he will not use force against any man for the Protestant religion."

In a short time afterwards[a] he extended this indulgence to those Presbyterians who scrupled to take the test or any other oath. And in a few months more[b] all restrictions on toleration were removed, by the permission granted to all persons to serve God in their own manner in private houses, chapels, or houses built or hired for the purpose[c]; or, in other words, he established, by his own sole authority, the most unbounded liberty of worship and religious instruction, either in public or in private, in a country where the laws treated every act of dissent from the established religion as one of the most heinous crimes. There is no other example, perhaps, of so excellent an object being pursued by means so culpable, or for purposes in which evil was so much blended with good.

Resistance of the Church.

James was equally astonished and incensed at the resistance of the Church of England. Their warm professions of loyalty; their acquiescence in measures directed only against civil liberty; their solemn condemnation of forcible resistance to oppression (the lawfulness of which constitutes the main strength of every opposition to misgovernment), had persuaded him, that they would look patiently on the demolition of all the bulwarks of their own

[a] 31st March, 1687. Woodrow, ii. App. No. 132.
[b] 5th July, 1687. Id. No. 134.
[c] Fountainhall, i. 463.

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wealth, and greatness, and power, and submit in silence to measures which, after stripping the Protestant religion of all its temporal aid, might at length leave it exposed to persecution. He did not distinguish between legal opposition and violent resistance: he believed in the adherence of multitudes to professions poured forth in a moment of enthusiasm; and he was so ignorant of human nature as to imagine, that speculative opinions of a very extravagant sort, even if they could be stable, were sufficient to supersede interest and habits, to bend the pride of high establishments, and to stem the passions of a nation in a state of intense excitement. Yet James had been admonished by the highest authority to beware of this delusion. Morley, Bishop of Winchester, a veteran royalist and episcopalian, whose fidelity had been tried, but whose judgment had been informed in the civil war, almost with his dying breath desired Lord Dartmouth to warn the King, that if ever he depended on the doctrine of non-resistance he would find himself deceived, for that most of the Church would contradict it in their practice though not in terms. It was to no purpose that Dartmouth frequently reminded him of Morley's last message; for he answered, "that the Bishop was a good man, but grown old and timid."[a]

It must be owned, on the other hand, that there were not wanting considerations which excuse the expectation and explain the disappointment of James. Wiser men than he have been the dupes of that natural prejudice, which leads us to look for the same consistency between the different parts of conduct which is in some degree found to prevail among the different reasonings and opinions of every man of sound mind. It cannot be denied that the Church had done much to delude him. For they did not content themselves with never controverting, or even confine themselves to calmly preaching the doctrine of non-resistance, which might be justified and perhaps commended, but it was constantly and vehemently inculcated: the furious preachers treated

[a] Lord Dartmouth's note. Burnet, ii. 428. Oxford, 1723.

all who doubted it with the fiercest scurrility[a], and the most pure and gentle were ready to introduce it harshly and unseasonably[b]; and they all boasted of it, perhaps with reason, as a peculiar characteristic which distinguished the Church of England from other Christian communities. Nay, if a solemn declaration from an authority second only to the Church, assembled in a national council, could have been a security for their conduct, the judgment of the University of Oxford, in their convocation in 1683, may seem to warrant the utmost expectations of the King. For among other positions condemned by that learned body, one was, "that if lawful governors become tyrants, or govern otherwise than by the laws of God or man they ought to do, they forfeit the right they had unto their government."[c] Now, it is manifest, that, according to this determination, if the King had abolished parliaments, shut the courts of justice, and changed the laws according to his pleasure, he would nevertheless retain the same rights as before over all his subjects; that any part of them who resisted him would still contract the full guilt of rebellion; and that the co-operation of the sounder portion to repress the revolt would be a moral duty and a lawful service. How, then, could it be reasonable to withstand him in far less assaults on his subjects, and to turn against him laws which owed their continuance solely to his good pleasure. Whether this last mode of reasoning be proof against all objections, it was at least specious enough to satisfy the King, when it agreed with his passions and supposed interest.

[a] South, *passim.*

[b] Tillotson on the death of Lord Russell.

About a year before the time to which the text alludes, in a visitation sermon preached before Sancroft by Kettlewell, an excellent man, in whom nothing was stern but this principle, this doctrine is inculcated to such an extent as, according to the usual interpretation of the passage in Paul's Epistle to the Romans (xiii. 2.), to prohibit resistance to Nero; "who," says the preacher, "invaded honest men's estates to supply his own profusion, and embrued his hands in the blood of any he had a pique against, without any regard to law or justice."

The homily, or exhortation to obedience, composed under Edward VI., in 1547, by Cranmer, and sanctioned by authority of the Church, asserts it to be "the calling of God's people to render obedience to governors, although they be wicked or wrong-doers, and *in no case to resist.*"

[c] Oxford Decree, art. 3. Also art. 4. & 9. Collier, Ecc. Hist. ii. 902.

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Under the influence of these natural delusions, we find him filled with astonishment at the prevalence of the ordinary motives of human conduct over an extravagant dogma, and beyond measure amazed that the Church should oppose the Crown after the King had become the enemy of the Church. "Is this your Church of England loyalty?" he cried to the fellows of Magdalen College. In his confidential conversations he now spoke with the utmost indignation of this inconsistent and mutinous Church. Against them, he told the nuncio, that he had by his declaration struck a blow which would resound through the country.[a] He ascribed their unexpected resistance to a consciousness that, in a general liberty of conscience, "the Anglican religion would be the first to decline."[b] Sunderland, in speaking of the Church to the same minister, exclaimed, "Where is now their boasted fidelity?"[c] "The declaration," he added, "has mortified those who have resisted the King's pious and benevolent designs: the Anglicans are a ridiculous sect, who affect a sort of moderation in heresy, by a compost and jumble of all other persuasions; and who, notwithstanding the attachment which they boast of having maintained to the monarchy and the royal family, have proved on this occasion the most insolent and contumacious of men."[d]

After the refusal to comply with his designs, on the ground of conscience, by Admiral Herbert, a man of loose life, loaded with the favours of the Crown, and supposed to be as sensible of the obligations of honour as he was negligent of those of religion and morality, James declared to Barillon, that he never could put confidence in any man, however attached to him, who affected the character of a zealous Protestant.[e]

[a] D'Adda, 21 Marzo, 1687; "un colpo strepitoso."

[b] Ibid. "Perche la religione Anglicana sarebbe stata la prima a declinare in questa mutazione."

[c] Id. 18th April, 1687.

[d] Ibid. and 4th April, 1687.

[e] Barillon, 24ème Mars, 1687.

CHAP. VI.

ATTEMPT TO CONCILIATE THE NONCONFORMISTS.—REVIEW OF THEIR SUFFERINGS.—BAXTER.—BUNYAN.—PRESBYTERIANS.—INDEPENDENTS.—BAPTISTS.—QUAKERS.—ADDRESSES OF THANKS FOR THE DECLARATION.

THE declaration of indulgence, however, had one important purpose beyond the assertion of prerogative; the advancement of the Catholic religion, or the gratification of anger against the unexpected resistance of the Church. It was intended to divide Protestants, and to obtain the support of the Nonconformists. The same policy had, indeed, failed in the preceding reign; but it was not unreasonably hoped by the Court, that the sufferings of twenty years had irreconcileably inflamed the dissenting sects against the Establishment, and at length taught them to prefer their own personal and religious liberty to vague and speculative opposition to the papacy, the only bond of union between the discordant communities who were called Protestants. It was natural enough to suppose, that they would show no warm interest in universities from which they were excluded, or for prelates who had excited persecution against them; and that they would thankfully accept the blessings of safety and repose, without anxiously examining whether the grant of these advantages was consistent with the principles of a constitution which treated them as unworthy of all trust or employment. The penal law from which the declaration tendered relief, was not such as to dispose them to be very jealous of the mode of its removal. An act in the latter years of Queen Elizabeth[a] had made refusal to attend the established worship, or presence at that of the Dissenters, punishable by imprisonment, and, unless atoned for by conformity within

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Review of their sufferings.

[a] 35 Eliz. c. 1. (1593).

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three months, by perpetual banishment[a], enforced by death if the offender should return. Within three years after the solemn promise of liberty of conscience from Breda, this barbarous law, which had been supposed to be dormant, was declared by parliament to be in force[b], in an act which subjected every one attending any worship but that established, where more than five were present, on the third offence, to transportation for seven years to any of the colonies, except New England and Virginia, the only plantations where they might be consoled by their fellow religionists, and where labour in the fields was not fatal to an European; and in case of their return, an event not very probable, after having laboured for seven years as the slaves of their enemies under the sun of Barbadoes, they were doomed to death. Almost every officer, civil or military, was empowered and encouraged to disperse their congregations as unlawful assemblies, and to arrest their ringleaders. A conviction before two magistrates, and in some cases before one, without any right of appeal or publicity of proceeding, was sufficient to expose a helpless or obnoxious Nonconformist to these tremendous consequences. By a refinement in persecution, the gaoler was instigated to disturb the devotions of his prisoners; being subject to a fine if he allowed any one who was at large to join them[c] in their religious worship. The pretext for this statute consisted in some riots and tumults in Ireland and in Yorkshire, which were evidently viewed by the ministers themselves with more scorn than fear.[d] It was, however, only temporary; a permanent law, equally tyrannical, was passed in the next session.[e] Every dissenting clergyman was forbidden from coming within five miles of his former congregation, or of any corporate town or parliamentary borough, under a penalty of forty pounds, unless he should take the following oath:—"I swear

[a] A sort of exile, called, in our old law, abjuring the realm, in which the offender was to banish himself.

[b] 16 Car. II. c. 4. (1664). [c] S. 12.

[d] Original correspondence in Ralph, ii. 97., &c. "As these plots," says that writer, "were contemptible or formidable, we must acquit or condemn this reign."

[e] 17 Car. II. c. 2. (1665).

that it is not lawful, upon any pretence whatsoever, to take up arms against the King, or those commissioned by him, and that I will not at any time endeavour any alteration of government in Church or State." In vain did Lord Southampton raise his dying voice against this tyrannical act, though it was almost the last exercise of the ministerial power of his friend and colleague Clarendon; "vehemently" condemning the oath, which, royalist as he was, he declared he could not take, and he believed no honest man could.[a] A faint and transient gleam of indulgence followed the downfall of Clarendon: but, in the year 1670, another act was passed, reviving that of 1664, with some mitigations of punishment, and amendments in the form of proceeding[b]; but with several provisions of a most unusual nature, which, by their manifest tendency to stimulate the bigotry of magistrates, rendered it a sharper instrument of persecution. Of this nature was the declaration, that the statute was to be construed most favourably for the suppression of conventicles, and for the encouragement of those engaged in it, of which the malignity must be measured by its effect in exciting all public officers, and especially the lowest, to constant vexation and frequent cruelty towards the poorer Nonconformists, who were marked by such language as the objects of the fear and hatred of the legislature. After the defeat of Charles's attempt to relieve all Dissenters by his usurped prerogative, the alarms of the House of Commons began to be confined to the Catholics, and they relented towards their Protestant brethren, and conceived designs of union with the more moderate, as well as of indulgence towards those whose dissent was irreconcileable. But these designs proved abortive. The Court resumed its animosity to the Dissenters, when it became no longer possible to employ them as a shelter for the Catholics: the laws were already sufficient for all practicable purposes of intolerance, and the execution of them was in the hands of bitter enemies, from the Lord Chief Justice to the pettiest constable. The temper of

[a] Locke. Letter from a Person of Quality.

[b] 22 Car. II. c. 1. (1670).

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the established clergy was such, that even the more liberal of them[a] gravely reproved the victims of such laws for complaining of persecution. The inferior gentry, who constituted the magistracy, ignorant, intemperate, and tyrannical, treated dissent as rebellion, and in their conduct to Puritans were actuated by no principles but a furious hatred of those whom they thought the enemies of the monarchy. The whole jurisdiction, in cases of nonconformity, was so vested in that body, as to release them in its exercise from the greater part of the restraints of fear and shame. With the sanction of the legislature, and the countenance of the government, what indeed could they fear from a proscribed party, consisting chiefly of the humblest and poorest men? From shame they were effectually secured, since that which is not public cannot be made shameful. The particulars of the conviction of a Dissenter might be unknown beyond his village; the evidence against him, if any, might be confined to the room where he was convicted; and in that age of slow communication, few men would incur the trouble or obloquy of conveying to their correspondents the hardships inflicted with the apparent sanction of law, in remote and ignorant districts, on men at once obscure and odious, often provoked by their sufferings into intemperance and extravagance. It must also be observed, that imprisonment is, of all punishments, the most quiet and convenient mode of persecution. The prisoner is silently hid from the public eye; his sufferings, being unseen, speedily cease to excite pity or indignation: he is soon doomed to oblivion. As imprisonment is always the safest punishment for an oppressor to inflict, so it was in that age, in England, perhaps the most cruel. Some estimate of the sad state of a man, in suffering the extremity of cold, hunger, or nakedness, in one of the dark and noisome dungeons, then called prisons, may be formed by the remains of such buildings, which industrious benevolence has not yet every where demolished. Being subject to no regulation, and without means of regular sus-

[a] Stillingfleet. Mischief of Separation.

tenance for prisoners, they were at once the scene of debauchery and famine. The Puritans, the most severely moral men of any age, were crowded in cells with those profligate and ferocious criminals with whom the kingdom then abounded. We learn from the testimony of the legislature itself, that "needy persons committed to goal many times perished before their trial."[a] We are told by Thomas Ellwood, the Quaker, a friend of Milton, that when a prisoner in Newgate for his religion, he saw the heads and quarters of men executed for treason kept for some time close to the cells, and the heads tossed about in sport by the hangman and the more hardened malefactors.[b] The description given by George Fox, the founder of the Quakers, of his own treatment when a prisoner at Launceston, too clearly exhibits the unbounded power of gaolers, and its most cruel exercise.[c] It was no wonder that, when prisoners were brought to trial at the assizes, the contagion of gaol fever should often rush forth with them from these abodes of all that was loathsome and hideous, and sweep away judges, and jurors, and advocates, with its pestilential blast. The mortality of such prisons must have surpassed the imaginations of more civilised times; and death, if it could be separated from the long sufferings which led to it, might perhaps be considered as the most merciful part of the prison discipline of that age. It would be exceedingly hard to estimate its amount, even if the difficulty were not enhanced by the prejudices which led either to extenuation or aggravation. Prisoners were then so forgotten, that tables of their mortality were not to be expected; and the very nature of that atrocious wickedness which employs imprisonment as the instrument of murder, would, in many cases, render

[a] 18 & 19 Car. II. c. 9. Evidence more conclusive, from its being undesignedly dropped, of the frequency of such horrible occurrences in the gaol of Newgate, transpires in a controversy between a Catholic and Protestant clergyman, about the religious sentiments of a dying criminal, and is preserved in a curious pamphlet, called "The Pharisee Unmasked." 1687.

[b] Ellwood's Life. "This prison, where are so many, suffocateth the spirits of aged ministers." Life of Baxter, part iii. 200.

[c] George Fox. Journal, 186., where the description of the dungeon called "*Doomsdale*" surpasses all imagination.

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it impossible distinctly and palpably to show the process by which cold and hunger beget long distempers, only to be closed by mortal disease. The computations have been attempted, as was natural, chiefly by the sufferers. William Penn, a man of such virtue as to make his testimony weighty, even when borne to the sufferings of his party, publicly affirmed at the time, that since the Restoration "more than five thousand persons had died in bonds for matters of mere conscience to God."[a] Twelve hundred Quakers were enlarged by James.[b] The calculations of Neale, the historian of the Nonconformists, would carry the numbers still farther; and he does not appear, on this point, to be contradicted by his zealous and unwearied antagonist.[c] But if we reduce the number of deaths to one half of Penn's estimate, and suppose that number to be the tenth of the prisoners, the mortality will afford a dreadful measure of the sufferings of twenty-five thousand prisoners; and the misery within the gaols will too plainly indicate the beggary[d] and banishment, disquiet, vexation, fear, and horror, which were spread among the whole body of Dissenters.

The sufferings of two memorable Dissenters, differing from each other still more widely in opinions and disposition than in station and acquirement, may be selected as proofs that no character was so high as to be beyond the reach of this persecution, and no condition so humble as to be beneath its notice.

Baxter.

Richard Baxter, one of the most acute and learned as well as pious and exemplary men of his age, was the most celebrated divine of the Presbyterian persuasion. He was so well known for his moderation as well as his general merit, that at the Restoration he was made chaplain to the King, and a bishopric was offered to him, which he declined, not because he deemed it

[a] "Good Advice to the Church of England."

[b] Address of the Quakers to James II. Clarkson, i. 492. London Gazette, 23d and 26th May, 1687.

[c] Grey's Examination of Neale. 3 vols. 8vo. 1738.

[d] Fifteen thousand families ruined. "Penn's Good Advice." In this tract, very little is said of the dispensing power; the far greater part consisting of a noble defence of religious liberty, applicable to all ages and communions.

unlawful[a], but because it might engage him in severities against the conscientious, and because he was unwilling to give scandal to his brethren by accepting preferment in the hour of their affliction. He joined in the public worship of the Church of England, but preached to a small congregation at Acton, where he soon became the friend of his neighbour, Sir Matthew Hale, who, though then a magistrate of great dignity, avoided the society of those who might be supposed to influence him, and from his jealous regard to independence, chose a privacy as simple and frugal as that of the pastor of a persecuted flock. Their retired leisure was often employed in high reasoning on those sublime subjects of metaphysical philosophy to which both had been conducted by their theological studies, and which, indeed, few contemplative men of elevated thought have been deterred by the fate of their forerunners from aspiring to comprehend. Honoured as he was by such a friendship, esteemed by the most distinguished persons of all persuasions, and consulted by the civil and ecclesiastical authorities in every project of reconciliation and harmony, Baxter was five times in fifteen years dragged from his retirement, and thrown into prison as a malefactor. In 1669 two subservient magistrates, one of whom was steward of the Archbishop of Canterbury, summoned him before them for preaching at a conventicle: Hale, too surely foreknowing the event, could scarcely refrain from tears when he heard of the summons. He was committed for six months; and, after the unavailing intercession of his friends with the King, was at length enlarged in consequence of informalities in the commitment.[b] Twice he afterwards escaped by irregularities into which the precipitate zeal of ignorant persecutors had betrayed them. Once, when his physician made oath that imprisonment would be dangerous to his life, he owed his enlargement to the pity or prudence of Charles II. At last, in the year 1685, he was brought to trial for supposed libels, before Jeffreys, in the Court of King's

[a] Baxter's Life, 281, 282.

[b] Baxter's Life. Calamy's Abridgment, part iii. 47—51, &c.

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Bench, where his venerable friend had once presided, where two chief justices, within ten years, had exemplified the extremities of human excellence and depravity, and where he whose misfortunes had almost drawn tears down the aged cheeks of Hale was doomed to undergo the most brutal indignities from Jeffreys.

Bunyan.

The history and genius of Bunyan were as much more extraordinary than those of Baxter as his station and attainments were inferior. He is probably at the head of unlettered men of genius, and perhaps there is no other instance of any man reaching fame from so abject an origin; for the other extraordinary men who have become famous without education, though they were without what is called learning, have had much reading and knowledge, and though they were repressed by poverty, were not, like him, sullied by a vagrant and disreputable occupation. By his trade of a travelling tinker, he was from his earliest years placed in the midst of profligacy, and on the verge of dishonesty. He was for a time a private in the parliamentary army; the only military service which was likely to elevate his sentiments and amend his life. Having embraced the opinions of the Baptists, he was soon admitted to preach in a community which did not recognise the distinction between the clergy and the laity.[a] Even under the Protectorate he was harassed by some busy magistrates, who took advantage of a parliamentary ordinance, excluding from toleration those who maintained the unlawfulness of infant baptism.[b] But this officiousness was checked by the spirit of the government; and it was not till the return of intolerance with Charles II. that the sufferings of Bunyan began. Within five months after the restoration, he was apprehended under the statute of the thirty-

[a] "Grace abounding," by Bunyan himself. Ivimey's Life of Bunyan. Iv. Hist. of Baptists.

[b] Scobell's Ordinances, chap. 114. 22d April, 1648. This exception is omitted in a subsequent ordinance against blasphemous opinions, (9th August, 1650,) directed chiefly against the Antinomians, who were charged with denying the obligation of morality, the single case where the danger of nice distinction is the chief objection to the use of punishment against the promulgation of opinions. Religious liberty was afterwards carried much nearer to its just limits by the letter of Cromwell's constitution, and probably to its full extent by its spirit. Humble Petition and Advice, s. xi. 1656. Scob. 380.

fifth of Elizabeth, and was thrown into prison, or rather into a dungeon, at Bedford, where he remained for twelve years. The narratives of his life exhibit remarkable specimens of the acuteness and fortitude with which he withstood the threats and snares of the magistrates, and clergymen, and attorneys, who beset him. He foiled them in every contest of argument; especially in that which relates to the independence of religion on civil authority, which he expounded with clearness and exactness, for it was a subject on which his naturally vigorous mind was better educated by his habitual meditations than it could have been by the most skilful instructor. In the year after his apprehension, he made some informal applications for release to the judges of assize, to whom his petition was presented by his wife, who was treated by one of them, Twisden, with brutal insolence. His colleague, Sir Matthew Hale, listened to her with patience and goodness; and with consolatory compassion pointed out to her the only legal means of obtaining redress. It is a singular gratification thus to find a human character, which if it be met in the most obscure recess of the history of a bad time, is sure to display some new excellence. The conduct of Hale on this occasion can be ascribed only to strong and pure benevolence; for he was unconscious of Bunyan's genius, he disliked preaching mechanics, and he partook the general prejudice against Anabaptists. In the long years which followed, the time of Bunyan was divided between the manufacture of lace, which he learned in order to support his family, and the composition of those works which have given celebrity to his sufferings. He was at length released, in 1672, by Barlow, Bishop of Lincoln; but not till the timid prelate had received an injunction from the Lord Chancellor[a] to that effect. He availed himself of the indulgence of James II. without trusting it; and died unmolested in the last year of that prince's govern-

[a] Probably Lord Shaftesbury, who received the Great Seal in November, 1672. The exact date of Bunyan's complete liberation is not ascertained; but he was twelve years a prisoner, and had been apprehended in November, 1660. Ivimey, 289., makes his enlargement to be about the close of 1672.

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ment. His "Pilgrim's Progress," an allegorical representation of the Calvinistic theology, at first found readers only among those of that persuasion, gradually emerged from this narrow circle, and by the natural power of imagination over the uncorrupted feelings of the majority of mankind at length rivalled Robinson Crusoe in popularity. The bigots and persecutors sunk into oblivion; the scoffs of wits[a] and worldlings were unavailing; while, after the lapse of a century, the object of their cruelty and scorn touched the poetical sympathy as well as the piety of Cowper[b]: his genius subdued the opposite prejudices of Johnson and of Franklin, and his name has been uttered in the same breath with those of Spenser and Dante.

It should seem, from this statement, that Lord Castlemain, a zealous Catholic, had some colour for asserting, that the persecution of Protestants by Protestants, after the Restoration, was more violent than that of Protestants by Catholics under Mary; and that the persecution then raging against the Presbyterians in Scotland was not so much more cruel as it was more bloody than that which silently consumed the bowels of England. Since the differences between Churchmen and Dissenters, as such have given way to other controversies, such a recital can have no other tendency than that of disposing men to pardon each other's intolerance, and to abhor that fatal error itself, which all communions have practised, and of which some malignant roots still lurk among all. Without it, the policy of the King, in his attempt to form an alliance with the Dissenters, could not be understood, and must have been altogether hopeless. The general body of Nonconformists were divided into four parties, on whom the court acted through different channels, and who were variously affected by its advances. The Presbyterians, the more wealthy and educated portion, were the descendants of the ancient Puritans, who were rather desirous of reforming the Church of England

Presbyterians.

[a] Hudibras, part i. canto ii. v. 409, &c. A satire on preaching mechanics, illustrated by Grey's notes.

[b] "O thou, who, borne on Fancy's eager wing," &c.

than of separating from it; and though the breach was widened by the civil war, they might have been reunited at the Restoration by moderate concession in the form of worship, and by limiting the episcopal authority agreeably to the project of the learned Usher, and to the system of superintendency established among the Lutherans. They gradually, indeed, learned to prefer the perfect equality of the Calvinistic clergy; but they did not profess that exclusive zeal for it which actuated their Scottish brethren, who had received their reformation from Geneva. Like men of other communions, they originally deemed it the duty of the magistrate to establish true religion, and to punish the crime of rejecting it. In Scotland they continued to be sternly intolerant; in England they reluctantly acquiesced in imperfect toleration. Their object was then what was called a comprehension, or such an enlargement of the terms of communion as might enable them to unite with the Church; a measure which would have broken the strength of the Dissenters, to the eminent hazard of civil liberty. From them the King had the least hopes. They were undoubtedly much more hostile to the Establishment after twenty-five years' persecution. But they were still connected with the tolerant clergy; and as they continued to aim at something besides mere toleration, they considered the royal declaration, even if honestly meant, as only a temporary advantage.

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Independents.

The *Independents*, or Congregationalists, were so called from their adoption of the opinion, that every congregation or assembly for worship was a church perfectly independent of all others, choosing and changing their own ministers, maintaining with other congregations an amicable and fraternal intercourse, but acknowledging no authority in all the other churches of Christendom to interfere with the internal concerns of a single congregation. Their churches were merely voluntary associations, in which the office of teacher might be conferred by the suffrages of the members on any man, and withdrawn from him when he ceased to be acceptable. The members were equal, and the government was

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perfectly democratical; if the term government may be applied to assemblies which endured only as long as the members agreed in judgment, and which, leaving all coercive power to the civil magistrate, exercised no authority but that of admonition, censure, and exclusion. They disclaimed the qualifications of "national" as repugnant to the nature of "a church."[a] The religion of the Independents could not, without destroying its nature, be established by law. They never could aspire to more than religious liberty, and they accordingly have the honour to be the first, and long the only, Christian community who collectively adopted that sacred principle.[b] It is true, that in the beginning they adopted the pernicious and inconsistent doctrine of limited toleration, excluding Catholics as idolaters; and in New England, where the great majority were of their persuasion, punishing even capitally dissenters from opinions which they accounted fundamental.[c] But, as intolerance could promote no interest of theirs, real or imaginary, their true principles finally worked out the stain of these dishonourable exceptions. The government of Cromwell, more influenced by them than by any other persuasion, made as near approaches to general toleration as public prejudice would endure; and Sir Henry Vane, an Independent, was probably the first who laid down, with perfect precision, the inviolable rights of conscience, and the exemption of religion from all civil authority. Actuated by these principles, and preferring the freedom of their worship even to political liberty, it is not wonderful that many of

[a] "There is no true visible church of Christ but a particular ordinary congregation only. Every ordinary assembly of the faithful hath power to elect and ordain, deprive and depose, their ministers. The pastor must have others joined with him by the congregation, to exercise ecclesiastical jurisdiction, neither ought he and they to perform any material act without the free consent of the congregation." Christian Offer of a Conference tendered to Archbishops, Bishops, &c. London, 1606.

[b] An humble Supplication for Toleration and Liberty to James I. London, 1609: a tract which affords a conspicuous specimen of the ability and learning of the ancient Independents, often described as unlettered fanatics.

[c] The Way of the Churches in New England, by Mr. J. Cotton. London, 1645; and the Way of Congregational Churches, by Mr. J. Cotton. London, 1648; in answer to Principal Baillie

this persuasion gratefully accepted the deliverance from persecution which was proffered by the King.

Baptists.

Similar causes produced the like dispositions among the Baptists; a simple and pious body of men, generally unlettered, obnoxious to all other sects for their rejection of infant baptism, as neither enjoined by the New Testament nor consonant to reason; and in some degree, also, from being called by the same name with the fierce fanatics who had convulsed Lower Germany in the first age of the Reformation. Under Edward VI. and Elizabeth they suffered death for their religion. At the Restoration they were distinguished from other Nonconformists by a brand in the provision of a statute[a], which excluded every clergyman who had opposed infant baptism from re-establishment in his benefice.

They suffered more than any other persuasion under Charles II. They had publicly professed the principles of religious liberty.[b] They appear to have adopted also the congregational system of ecclesiastical polity. Like the Independents they had espoused the cause of republicanism. They were more incapable of union with the established church, and had less reason to hope for toleration from its adherents than the Independents themselves. Many, perhaps at first most of them, eagerly embraced the indulgence. Thus, the sects who maintained the purest principles of religious liberty, and had supported the most popular systems of government, were more disposed than others to favour a measure which would have finally buried toleration under the ruins of political freedom.

Quakers.

But of all Dissenters, those who needed the royal indulgence most, and who could accept it most consistently with their religious principles, were the Quakers. They sought perfection, by renouncing pleasures, of which the social nature promotes kindness, and by converting self-denial, a means of moral discipline, into one of the ends of life. It was their more peculiar and honourable error, that by a literal interpretation of that affec-

[a] 12 Car. II. c. 17.

[b] Crosby, Hist. of Baptists, ii. 100—144.

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tionate and ardent language in which the Christian religion inculcates the pursuit of peace and the practice of beneficence, they struggled to extend the sphere of these most admirable of virtues beyond the boundaries of nature. They adopted a peculiarity of language, and an uniformity of dress, indicative of humility and equality, of brotherly love, the sole bond of their pacific union, and of the serious minds of men who lived only for the performance of duty. They took no part in strife, renounced even defensive arms, and utterly condemned the punishment of death.

George Fox, during the civil war, was the founder of this extraordinary community. At a time when personal revelation was generally believed, it was a pardonable self-delusion that he should imagine himself to be commissioned by the Divinity to preach a system which could only be objected to as too pure to be practised by man.[a] This belief, and an ardent temperament, led him and some of his followers into unseasonable attempts to convert their neighbours, and unseemly intrusions into places of worship for that purpose, which excited general hostility against them, and exposed them to frequent and severe punishments. One or two of them, in the general fermentation of men's minds, had at that time uttered opinions which all other sects considered as blasphemous. These peaceable men became the objects of general abhorrence. Their rejection of the most religious rites, their refusal to sanction testimony by a judicial oath, or to defend their country in the utmost danger, gave plausible pretexts for representing them as alike enemies to religion and the commonwealth; and the fantastic peculiarities of their language and dress seemed to be the badge of a sullen and morose secession from human society. Proscribed as they were by law and prejudice, they gladly received the boon held out by the King. They indeed were the only consistent professors of passive obedience: as they resisted no wrong,

[a] A Journal of the Life of George Fox, by himself. 4to. London, 1694. One of the most extraordinary and instructive narratives in the world, which no reader of competent judgment can peruse without revering the virtue of the writer, pardoning his self-delusion, and ceasing to smile at his peculiarities.

and never sought to disarm hostility otherwise than by benevolence, they naturally yielded with unresisting submission to the injustice of tyrants. Another circumstance also contributed, still more perhaps than these general causes, to throw the Quakers into the hands of James. Although they, like most other religious sects, had arisen in the humble classes of society, who, from their numbers and simplicity, are alone susceptible of those sudden and simultaneous emotions which change opinions and institutions, they had early been joined by a few persons of superior rank and education, who, in a period of mutation in government and religion, long contemplated the benevolent visions of the Quakers with indulgent complacency, until at length they persuaded themselves that this pure system of peace and charity might be realised, if not among all men, at least by a few of the wisest and best. Such a hope would gradually teach them to tolerate, and in time to adopt, the peculiarities of their simpler brethren, and to give the most rational interpretation to the language and pretensions of their founders, consulting reason in their doctrines, and indulging enthusiasm only in their hopes and affections.[a] Of these first who systematised, and perhaps insensibly softened, the Quaker creed, was Barclay, a gentleman of Scotland, in his Apology for the Quakers; a masterpiece of ingenious reasoning, and a model of argumentative composition, which extorted praise from Bayle, one of the most acute and least fanatical of men.[b] The most distinguished of their converts was William Penn, whose father, Admiral Sir William Penn, had been a personal friend of the King, and one of his instructors in naval affairs. This admirable person had employed his great abilities in support of civil as well as religious liberty, and had both acted and suffered for them under Charles II. Even if he had not founded the commonwealth of Pennsylvania as an everlasting memorial of his love of freedom, his actions and writings in England would have been enough

[a] Mr. Swinton, a Scotch judge during the Protectorate, was one of the earliest of these converts.

[b] Nouvelles de la République des Lettres, Avril, 1684.

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to absolve him from the charge of intending to betray the rights of his countrymen. But though the friend of Algernon Sidney[a], he had never ceased to intercede, through his friends at court, for the persecuted. An absence of two years in America, and the occupation of his mind, had probably loosened the connection with English politicians, and rendered him less acquainted with the principles of the government. On the accession of James he was received by that prince with favour, and hopes of indulgence to his suffering brethren were early held out to him. He was soon admitted to terms of apparent intimacy, and was believed to possess such influence that two hundred suppliants were often seen at his gates, imploring his intercession with the King. That it really was great, appears from his obtaining a promise of pardon for his friend Mr. Locke, which that illustrious man declined, because he thought that the acceptance would have been a confession of criminality.[b] He appears in 1679, by his influence on James when in Scotland, to have obtained the release of all the Scotch Quakers who were imprisoned[c]; and he obtained the release of many hundred Quaker prisoners in England[d], as well as letters from Lord Sunderland to the lord-lieutenants in England for favour to his persuasion[e], several months before the declaration of indulgence. It was no wonder that he should be gained over by this power of doing good. The very occupations in which he was engaged brought daily before his mind the general evils of intolerance, and the sufferings of his own unfortunate brethren. Though well stored with useful and ornamental knowledge, he was unpractised in the wiles of courts; and his education had not trained him to dread the violation of principle so much as to pity the infliction of suffering. It cannot be doubted that he believed the King's

[a] Clarkson's Life of Penn, i. 248.

[b] Clarkson, i. 433. 438. Mr. Clarkson is among the few writers from whom I should venture to adopt a fact for which the original authority is not mentioned. By his own extraordinary services to mankind he has deserved to be the biographer of William Penn.

[c] Address of Scotch Quakers, 1687.

[d] George Fox's Journal, 550. 10th July, 1686. "Fifteen or sixteen hundred."

[e] State Paper Office, November and December, 1686.

object to be universal liberty in religion, and nothing further. His own sincere piety taught him to consider religious liberty as unspeakably the highest of human privileges, and he was too just not to be desirous of bestowing on all other men that which he most earnestly sought for himself. He who refused to employ force in the most just defence, felt a singular abhorrence of its exertion to prevent good men from following the dictates of their conscience.

Such seem to have been the motives which induced this excellent man to lend himself to the measures of the King. Compassion, friendship, liberality, and toleration, led him to support a system of which the success would have undone his country, and afforded a remarkable proof that, in the complicated combinations of political morality, a virtue misplaced may produce as much immediate mischief as a vice. The Dutch minister represents "the arch-quaker" as travelling over the kingdom to gain proselytes to the dispensing power.[a] Duncombe, a banker in London, and (it must in justice, though in sorrow, be added) Penn, were the two Protestant counsellors of Lord Sunderland.[b] Henceforward, it became necessary for the friends of liberty to deal with him as an enemy, to be resisted when his associates were in power, and watched after they had lost it.

Among the Presbyterians, the King's chief agent was Alsop, a preacher at Westminster, who was grateful to him for having spared the life of a son convicted of treason. Baxter, that venerable patriarch, and Howe, one of their most eminent divines, refused any active concurrence in the King's projects. Lobb, one of the most able of the independent divines, warmly supported the measures of James: he was favourably received at court, and is said to have been an adviser as well as an advocate of the King.[c] An elaborate defence of the dispensing power, by Philip Nye, a still more eminent teacher of the same persuasion, who had been

[a] Van Citters to the States General, $\frac{4}{14}$ October, 1687. [b] Johnstone, 25th November, 1687.

[c] Wilson's Dissenting Churches, iii. 436.

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disabled from office at the restoration, written on occasion of Charles the Second's declaration of indulgence in 1672, was now republished by his son, with a dedication to James.[a]

Among the Baptists, Kiffin, the pastor of their chief congregation, and at the same time an opulent merchant in London, who, with his pastoral office, had held civil and military stations under the parliament, withstood the prevalent disposition of his communion towards compliance. The few fragments of his life illustrate the character of the calamitous times in which he lived. Soon after the restoration, he obtained a pardon for twelve persons of his persuasion, who were condemned to death at the same assize at Aylesbury, under the atrocious statute of the 35th of Elizabeth, for refusing either to abjure the realm or to conform to the Church of England.[b]

Attempts were made to ensnare him into treason by anonymous letters, inviting him to take a share in plots which had no existence. He was harassed by false accusations, some of which made him personally known to Charles II. and to Clarendon. The King applied to him personally for the loan of forty thousand pounds, which he declined, offering the gift of ten thousand, which was accepted; on which he congratulated himself, as an expedient by which he had saved thirty thousand pounds. Two of his grandsons suffered death for being engaged in Monmouth's revolt. He had offered three thousand pounds to a courtier for their preservation; and Jeffreys, on the trial of one of them, declared, that had Kiffin, their grandfather, been also at the bar, he would have deserved death as much as his grandson. James, at an interview, endeavoured to persuade him to accept the office of alderman, under the protection of the dispensing and suspending power. He pleaded his inability from age (he was then seventy), and he could not speak of his grandsons but he burst into tears. The King understood this language, and answered with no small

[a] Wilson's Dissenting Churches, iii. 71. "The King's Authority vindicated," by the late P. Nye. London, 1687.

[b] Orme's Life of Kiffin, 120. Crosby's Hist. of the Baptists, ii. 181, &c.

grossness, "Balm shall be poured into that wound." But Kiffin dissuaded all his dissenting friends from being ensnared by the court, and at last only accepted the office from fear of a ruinous fine.

Every means were employed to excite the Nonconformists to thank the King for his indulgence. He himself assured D'Adda that it would be of the utmost service to trade and population, by recalling the numerous emigrants "who had been driven from their country by the persecution of the Anglicans."[a] His common conversation now turned on the cruelty of the Church of England, and their violent persecution of the Dissenters, which he declared that he would have closed sooner, had he not been restrained by those who promised favour to his own religion, if they were still suffered to vex the Dissenters.[b] This last declaration was contradicted by the parties whom he named; and their denial might be credited with less reserve, had not one of the principal leaders of the episcopal party in Scotland owned that his friends would have been contented if they could have been assured of retaining the power to persecute Presbyterians.[c] He even ordered an enquiry into the suits against Dissenters in ecclesiastical courts, and the compositions which they paid, in order to make a scandalous disclosure of the extortion and venality practised under cover of the penal laws.[d] He and Lord Sunderland assured the nuncio, that the established clergy traded in such compositions.[e] The most just principles of unbounded freedom in religion were now the received creed at St. James's. Even Sir Roger L'Estrange endeavoured to save his consistency, by declaring, that though he

[a] D'Adda, $\frac{1}{11}$ Aprile 1687:—"Mentre tanti che desertavano il paese per la persecuzione delli Anglicani se trovabberosi stato di quiete e tranquillità per repatriari."

[b] Burnet, iii. 175. Oxford, 1823.

[c] "If it had not been for the fears of encouraging by such a liberty the fanatics, then almost entirely ruined, few would have refused to comply with all your Majesty's demands." Account of Affairs of Scotland, by the Earl of Balcarras, p. 8.

[d] Burnet, ibid.

[e] D'Adda, $\frac{8}{18}$ Aprile 1687:—"Che releva la maggior parte dalla soggestione de ministri Anglicani che *facevano mercanzia* sopra le leggi fatti contro le Nonconformisti.

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had for twenty years resisted religious liberty as a right of the people, he acquiesced in it as a boon from the King.

On the other hand, exertions were made to warn the Dissenters of the snare which was laid for them. The Church began to make tardy efforts to conciliate them, especially the Presbyterians. The King was agitated by this canvass, and frequently trusted the nuncio[a] with his alternate hopes and fears about it.

Burnet, the historian, then at the Hague, published a letter of warning to the Dissenters, in which he owns and deplores "the Persecution," acknowledging "the temptation under which the Nonconformists are to receive every thing which gives them present ease with a little too much kindness;" and blames more severely the members of the Church who applauded the Declaration, but entreats the Nonconformists not to promote the designs of the common enemy.[b] The residence and connections of the writer bestowed on this publication the important character of an admonition from the Prince of Orange. He had been employed by some leaders of the Church to procure that Prince's interference with the Dissenters, to prevent their being misled by the King[c]; and Dykveld, the Dutch minister, assured both the Church and the Dissenters of his Highness's resolution to promote union between them, and to maintain the common interest of Protestants.

Lord Halifax published, on the same occasion, a Letter to a Dissenter; the most perfect model, perhaps, of a political tract; which, although its whole argument, unbroken by diversion to general topics, is brought exclusively to bear with concentrated force upon the question, the parties, and the moment, cannot be read, after an interval of a century and a half, without admiration of its acuteness, address, terseness, and poignancy.[d]

The Nonconformists were acted upon by powerful inducements

[a] D'Adda, 2 Maio, 1687. Id. 4 Ap. 1687. "Si fanno *dall' altra parte* tutti gli sforzi per persuadere l' unione tra di esse (Protestants), la quale nondimeno pare incompatibile per le massime loro tanto opposte come sono quelli di Presbyteriani, il di cui numero è più forte e della gente più ricca."

[b] State Tracts from Restoration to Revolution, ii. 289. London, 2 vol. folio, 1689—1692.

[c] Burnet's Reflections on a Book called "Rights of a Convocation," 16.

[d] Halifax Misc. 233. London, 1704.

and dissuasives. The preservation of civil liberty, the interest of the Protestant religion, the secure enjoyment of freedom in their own worship, were irresistible reasons again compliance. Gratitude for present relief, remembrance of recent wrongs, and a strong sense of the obligation to prefer the exercise of religion to every other consideration, were very strong temptations to a different conduct. Many of them owed their lives to the King, and the lives of others were still in his hands. The remembrance of Jeffreys's campaign was so fresh as perhaps still rather to produce fear than the indignation and distrust which appear in a more advanced stage of recovery from the wounds inflicted by tyranny. The private relief granted to some of their ministers by the court on former occasions afforded a facility for exercising adverse influence through these persons, the more dangerous because it might be partly concealed from themselves under the disguise of gratitude. The result of the action of these conflicting motives seems to have been, that the far greater part of all denominations of the Dissenters availed themselves of the declaration so far as to resume their public worship [a]; that the most distinguished of their clergy and the majority of the Presbyterians resisted the solicitations of the court to sanction the dispensing power by addresses of thanks for this exertion of it; that all the Quakers, the greater part of the Baptists, and perhaps also of the Independents, did not scruple to give this perilous token of their misguided gratitude, though many of them confined themselves to thanks for toleration, and solemn assurances that they would not abuse it. About a hundred and eighty of these addresses were presented in ten months, of which there are only seventy-seven exclusively and avowedly from Nonconformists. If to these be added a fair proportion of them at first secretly and at last openly corporators and grand jurors, and a larger share of those who addressed under very general descriptions, it seems

Addresses of thanks for the declaration.

[a] Bates's Life of Philip Henry, in Wordsworth's Ecclesiastical Biography, vi. 290. "*They rejoiced with trembling.*" Henry refused to give in a return of the money levied on him in his sufferings, having, as he said, "long since from his heart forgiven all the agents in that matter. Mr. Bunyan clearly saw through the designs of the court, though he accepted the indulgence with a holy fear." Ivimey's Life of Bunyan, 297.

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probable that they were almost equally divided between the Dissenting communions and the Established Church.[a] We have a specimen of these mentioned by Evelyn in the address of the Churchmen and Dissenters of Coventry[b], and of a small congregation in the Isle of Ely, called the "family of love." His complaint[c] that the declaration had thinned his own parish church of Deptford, and sent a great concourse of people to the Dissenters' meeting-house, throws light on the extent of the previous persecution, and the joyful eagerness of the Nonconformists to profit by their deliverance. The Dissenters were led astray not only by lights of the church, but by pretended guardians of the laws. Five bishops, Crew, bishop of Durham, with his chapter, Cartwright, bishop of Chester, with his chapter and clergy, Barlow, bishop of Lincoln, Wood, bishop of Lichfield, and Watson, bishop of St. David's, with the clergy of their dioceses, together with the dean and chapter of Ripon, addressed the King in terms which were indeed limited to his assurance of continued protection to the church, but at a time which rendered their addresses a sanction of the dispensing power. Croft, of Hereford, though not an addresser, was a zealous partisan of the measures of the court; the profligate Parker was unable to prevail on the chapter or clergy of Oxford to join him, and the accomplished Sprat was still a member of the ecclesiastical commission, in which character he held a high command in the adverse ranks; so that a third of the episcopal order refused to concur in the coalition which the church was about to form with public liberty. A bold attempt was made to obtain the appearance of a general concurrence of lawyers in approving

[a] The addresses from bishops and their clergy were seven; those from corporations and grand juries seventy-five; those from inhabitants, &c., fourteen; two from Catholics, and two from the Middle and Inner Temple. If six addresses from Presbyterians and Quakers in Scotland, Ireland, and New England be deducted, as it seems that they ought to be, the proportion of dissenting addresses was certainly less than one half. Some of them, we know, were the produce of a sort of personal canvass, when the King made his progress in autumn, 1687, "to court the compliments of the people," and one of them, in which Philip Henry joined, "was not to offer lives and fortunes to him, but to thank him for the liberty, and promise to demean themselves quietly in the use of it." Wordsworth, vi. 292. Address of Dissenters of Nantwich, Wem, and Whitchurch. London Gazette, 29th August, 1687.

[b] Evelyn, Diary, 16th June, 1687.

[c] Ibid. 10th April, 1687.

the usurpations of the crown. From two of the four societies called Inns of Court, who have the exclusive privilege of admitting advocates to practise at the bar, the Middle and Inner Temple, addresses of approbation were published, which, from recent examination of the records of these bodies, do not appear to have been voted by either. The former, eminent above others by fulsome servility, is traditionally said to be the clandestine production of three of the benchers, of whom Chauncy, the historian of Hertfordshire, was one. That of the Inner Temple purports to be the act of certain students and the comptroller, an office of whose existence no traces have been discovered in the books of the inn. As Roger North had been treasurer of the Middle Temple three years before, and the crown lawyers were members of these societies, it is scarcely possible that the government should not have been apprised of the imposture which they countenanced by their official publication of these addresses.[a]

The necessity of recurring to such a fraud, and the silence of the other law societies, may be allowed to form some proof that the independence of the bar was not yet utterly extinguished. The subserviency of the bench was so abject as to tempt the government into an interference with private suits, which is one of the last and rarest errors of statesmen under absolute monarchies. An official letter is still extant from Lord Sunderland, as Secretary of State, to Sir Francis Watkins, a judge of assize, recommending to him to show all the favour to Lady Shaftesbury, in the despatch of her suit, to be tried at Salisbury, which the justice of her cause shall deserve."[b] So deeply degraded were the judges in the eyes of the ministers themselves.

[a] London Gazette, June 9th, 1687.

[b] 24th February, 1687. State Paper Office.

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D'ADDA PUBLICLY RECEIVED AS THE NUNCIO. — DISSOLUTION OF PARLIAMENT. — FINAL BREACH. — PREPARATIONS FOR A NEW PARLIAMENT. — NEW CHARTERS. — REMOVAL OF LORD LIEUTENANTS. — PATRONAGE OF THE CROWN. — MODERATE VIEWS OF SUNDERLAND. — HOUSE OF LORDS. — ROYAL PROGRESS. — PREGNANCY OF THE QUEEN. — LONDON HAS THE APPEARANCE OF A CATHOLIC CITY.

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THE war between the religious parties had not yet so far subsided as to allow the avowed intercourse of princes of the Protestant communions with the see of Rome. In the first violence of hostility, indeed, laws were passed in England forbidding, under pain of death, the indispensable correspondence of Catholics with the head of the church, and even the bare residence of Catholic priests within the realm.[a] These laws, which never could be palliated except as measures of retaliation in a warfare of extermination, had been often executed without necessity and with slight provocation. It was most desirable to prevent their execution and to procure their repeal. But the object of the King in his embassy to Rome was to select these odious enactments, as the most specious case, in which he might set an example of the ostentatious contempt with which he was resolved to trample on every law which stood in the way of his designs. A nearer and more signal instance than the embassy to Rome was required by his zeal or his political projects. D'Adda was accordingly obliged to undergo a public introduction to the King at Windsor as apostolic nuncio from the pope; and his reception, being an overt act of high treason, was conducted with more than ordinary state, and announced to the public like that of any other foreign minister.[b]

D'Adda publicly received as nuncio. 3d July.

[a] 13 Eliz. c. 2. 35 Eliz. c. 1.

[b] London Gazette, 4th to 7th July, 1687. MSS. D'Adda, 11 Giugl. 1687.

The Bishops of Durham and Chester were perhaps the most remarkable attendants at the ceremonial. The Duke of Somerset, the second peer of the kingdom, was chosen from the Lords of the Bedchamber as the introducer; and his attendance in that character had been notified to the nuncio by the Earl of Mulgrave, Lord Chamberlain. But, on the morning of the ceremony, the Duke besought his Majesty to excuse him from the performance of an act which might expose him to the most severe animadversion of the law.[a] The King answered, that he intended to confer an honour upon him, by appointing him to introduce the representative of so venerable a potentate, and that the royal power of dispensation had been solemnly determined to be a sufficient warrant for such acts. The King is said to have angrily asked, "Do you not know that I am above the law?"[b] to which the Duke is represented by the same authorities to have replied, "Your Majesty is so, but I am not;" an answer which was perfectly correct, if it be understood as above punishment by the law. The Duke of Grafton introduced the nuncio. It was observed, that while the ambassadors of the emperor, and of the crowns of France and Spain, were presented by earls, persons of superior dignity were appointed to do the same office to the papal minister; a singularity rather rendered alarming than acceptable by the example of the court of France, which was appealed to by the courtiers on this occasion. The same ceremonious introduction to the Queen Dowager immediately followed. The King was very desirous of the like presentation to the Princess Anne, to whom it was customary to present foreign ministers. But the nuncio declined a public audience of an heretical princess[c]; and though we learn that, a few days after, he was admitted by her to what is called "a public audience[d]", yet, as it is neither published in the Gazette, nor adverted to in his own letter, it seems probable that she only received him openly as a Roman prelate, who was to be treated with the respect

[a] Van Citters to the States General, 15th July, 1687.
[b] Perhaps saying, or meaning to say, "in this respect."
[c] MSS. D'Adda, 16th Lugl. 1687.
[d] Van Citters, 22d July, 1687.

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due to his rank, with whom it was equally politic to avoid the appearance of clandestine intercourse and of formal recognition. The King said to the Duke of Somerset, "As you have not chosen to obey my commands in this case, I shall not trouble you with any other;" and immediately removed him from his place in the household, from his regiment of dragoons, and the lord lieutenancy of his county. He continued for some time to speak with indignation of this act of contumacy, and told the nuncio, that the Duke's nearest relations had thrown themselves at the feet of their sovereign, and assured him, that they detested the disobedience of their kinsman.[a] The importance of the transaction consisted in its being a decisive proof of how little estimation were the judicial decision in favour of the dispensing power in the eyes of the most loyal and opulent of the nobility.[b] The most petty incidents in the treatment of the nuncio were at this time jealously watched by the public. By the influence of the new members placed by James in the corporation, that minister was invited to a festival annually given by the city of London, at which the diplomatic body were then, as now, accustomed to be present. Fearful of insult, and jealous of his precedence, he consulted Lord Sunderland, and afterwards the King, on the prudence of accepting the invitation.[c] The King pressed him to go. His Majesty also signified to all the foreign ministers that their attendance at the festival would be agreeable to him. The Dutch[d] and Swedish ministers were absent. The nuncio was received unexpectedly well by the populace, and treated with becoming courtesy by the magistrates. But though the King honoured the festival with his presence, he could not prevail even on the aldermen of his own nomination to forbear from the thanksgiving, on the 5th of November, for deliverance from the Gunpowder Plot.[e] On

[a] D'Adda, 16th Luglio, 1687.

[b] Barillon, 21st July, 1687.

[c] D'Adda, $\frac{28\text{th Oct.}}{7\text{th Nov.}}$ 1687, and $\frac{4}{14}$ Nov. 1687.

[d] According to the previous instructions of the States General, and the practice of their ministers at the congresses of Munster and Nimeguen. Van Citters.

[e] Narc. Luttrell, Nov. 1687.

the contrary, Sir John Shorter, the Presbyterian mayor, made haste to atone for the invitation, by publicly receiving the communion according to the rites of the Church of England[a]; a strong mark of distrust in the dispensing power, and of the determination of the Presbyterians to adhere to the common cause[b] of Protestants.

Another occasion offered itself, then esteemed solemn, for the King, in his royal capacity, to declare publicly against the Established Church. The kings of England had, from very ancient times, pretended to a power of curing scrofula by touching those who were afflicted by that malady; and the Church had retained, after the Reformation, a service for the occasion, in which her ministers officiated. James, naturally enough, employed the mass book, and the aid of the Roman Catholic clergy, in the exercise of this pretended power of his crown, according to the precedents in the reign of Mary.[c] As we find no complaint from the established clergy of the perversion of this miraculous prerogative, we are compelled to suspect that they had no firm faith in the efficacy of a ceremony which they solemnly sanctioned by their prayers.[d]

Dissolution of Parliament.

On the day before the public reception of the nuncio, the dissolution of parliament announced a final breach between the Crown and the Church. All means had been tried to gain a majority in the House of Commons. Persuasion, influence, corruption, were inadequate: the example of dismissal failed to intimidate; the

[a] Van Citters, $\frac{14}{24}$ Nov. 1687.

[b] It may be excusable to mention, that Catherine Shorter, the daughter and heiress of this Presbyterian mayor, became, long after, the wife of Sir Robert Walpole.

[c] Van Citters, $\frac{28\text{th May,}}{7\text{th June,}}$ 1686.

[d] It is well known that Dr. Samuel Johnson was, when a child, touched for the scrofula by Queen Anne. The princes of the House of Brunswick relinquished the practice. Carte, the historian, was so blinded by his zeal for the House of Stuart as to assure the public that one Lovel, a native of Bristol, who had gone to Avignon to be touched by the son of James II. in 1716, was really cured by that prince. A small piece of gold was tied round the patient's neck, which explains the number of applications. The gold sometimes amounted to 3000*l.* a year. Louis XIV. touched 1600 patients on Easter Sunday, 1686. Barrington's Observations on Ancient Statutes, 108, 109. Lovell relapsed after Carte had seen him. General Biog. Dict. art. Carte.

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hope of preferment to allure. Neither the command obtained by the crown over the corporations, nor the division among Protestants excited by the toleration, had sufficiently weakened the opposition to the measures of the court. It was useless to attempt the execution of projects to subdue the resistance of the peers by new creations, till the other House was either gained or removed. The unyielding temper manifested by an assembly formerly so submissive, seems, at first sight, unaccountable. It must, however, be borne in mind, that the elections had taken place under the influence of the Church party; that the interest of the Church had defeated the ecclesiastical measures of the King in the two former sessions; and that the immense influence of the clergy over general opinion, now seconded by the zealous exertions of the friends of liberty, was little weakened by the servile ambition of a few of their number, who, being within the reach of preferment, and intensely acted upon by its attraction, too eagerly sought their own advancement to regard the dishonour of deserting their body. England was then fast approaching to that state in which an opinion is so widely spread, and the feelings arising from it are so ardent, that dissent is accounted infamous, and considered by many as unsafe. It is happy when such opinions (however inevitably alloyed by base ingredients, and productive of partial injustice) are not founded in delusion, but, on the whole, beneficial to the community. The mere influence of shame, of fear, of imitation, of sympathy, is, at such moments, sufficient to give to many men the appearance of an integrity and courage little to be hoped from their ordinary conduct.

The King had, early in the summer, ascertained the impossibility of obtaining the consent of a majority in the House of Commons to a repeal of the Test and Penal Laws, and to have shown a disposition to try a new Parliament.[a] His more moderate counsellors[b], however, headed, as it appears, by the Earl of Sunderland[c], did not

[a] Van Citters, 13th June, 1687.

[b] Barillon, $\frac{2}{12}$ June, 1687.

[c] D'Adda, $\frac{28\ \text{Luglio,}}{7\ \text{Agosto,}}$ 1687. $\frac{12}{22}$ Ag. 1687.

fail to represent to him the mischiefs and dangers of that irrevocable measure. It was, they said, a perilous experiment to dissolve the union of the Crown with the Church, and to convert into enemies an order who had hitherto supported unlimited authority, and inculcated unbounded submission. The submission of the Parliament had no bounds except the rights or interests of the Church. The expense of an increasing army would speedily require parliamentary aid; the possible event of the death of the King of Spain without issue might involve all Europe in war.[a] For these purposes, and for every other that concerned the honour of the Crown, this loyal Parliament were ready to grant the most liberal supplies. Even in ecclesiastical matters, though they would not at once yield all, they would in time grant much. When the King had quieted the alarm and irritation of the moment, they would, without difficulty, repeal all the laws commonly called penal. The King's dispensations, sanctioned by the decisions of the highest authority of the law, obviated the evil of the laws of disability; and it would be wiser for the Catholics to leave the rest to time and circumstances, than to provoke severe retaliation by the support of measures which the immense majority of the people dreaded as subversive of their religion and liberty. What hope of ample supply or steady support could the

[a] The exact coincidence, in this respect, of Sunderland's public defence, nearly two years afterwards, with the nuncio's secret despatches of the moment, is worthy of consideration:—

"I hindered the dissolution several weeks, by telling the King that the parliament would do every thing he could desire but the taking off the tests; that another parliament would probably not repeal these laws; and, if they did, would do nothing else for the support of government. I said often, if the King of Spain died, his Majesty could not preserve the peace of Europe; that he might be sure of all the help and service he could wish from the present parliament, but if he dissolved it he must give up all thoughts of foreign affairs, for no other would ever assist him but on such terms as would ruin the monarchy." Lord Sunderland's Letter, licensed 23d March, 1689.

"Dall' altra parte si poteva promettere S. M. del medesimo parlamento ogni assistenze maggiore de denaro si S. M. fosse obligato di entrare in una guerra straniera, ponderando il caso possibile della morte del Re di Spagna senza successione, questi e simili vantaggi non doverse attendere d'un nuovo parlamento composto di nonconformisti, nutrendo per li principi e sentimenti totalmente contrarii alla monarchia.

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King entertain from a parliament of Nonconformists, the natural enemies of kingly power? What faith could the Catholics place in these sectaries, the most Protestant of Protestant communions, of whom the larger part looked on relief from persecution, when tendered by Catholic hands, with distrust and fear, and who believed that the friendship of the Church of Rome for them would last no longer than her inability to destroy them?

Final breach.

To this it was answered, that it was now too late to enquire whether a more wary policy might not have been at first more advisable; that the King could not stand where he was; that he would soon be compelled to assemble a parliament; and that, if he preserved the present, their first act would be to impeach the Judges, who had determined in favour of the dispensing power. To call them together, would be to abandon to their rage all the Catholics who had accepted office on the faith of the royal prerogative. If the Parliament were not to be assembled, they were at least useless; and their known disposition would, as long as they existed, keep up the spirit of audacious disaffection. If they were assembled, they would, even during the King's life, tear away the shield of the dispensing power, which, at all events, never would be stretched out to cover Catholics by the hand of the Protestant successor. All the power gained by the monarchy over corporations having been used in the last election by Protestant Tories, was now acting against the Crown. By extensive changes in the government of counties and corporations, a more favourable House of Commons, and if an entire abrogation should prove impracticable, a better compromise, might be obtained.

Sunderland informed the nuncio that the King closed these discussions by a declaration that, having ascertained the determination of the present Parliament not to concur in his holy designs, and having weighed all the advantages of preserving it, he considered them as far inferior to the great object, which was the advancement of the Catholic religion. Perhaps, indeed, this determination, thus apparently dictated by religious zeal, was conformable to the maxims of civil prudence, unless the King was pre-

pared to renounce his encroachments, and content himself with that measure of toleration for his religion which the most tolerant states then dealt out to their dissenting subjects.

Preparations for a new Parliament.

The next object was so to influence the elections as to obtain a more yielding majority in the House of Commons. At an early period Sunderland represented two hundred members of the late House "as necessarily dependent on the Crown[a]:" probably not so much a sanguine hope as a political exaggeration, which, if it was believed, might realise itself. He was soon either undeceived or contradicted. The King desired all the members bound to him, either by interest or attachment, to come singly to private audiences in his closet[b], that he might ask their support to his measures; and the answers which he received were regarded by by-standers as equivalent to a general refusal.[c] This practice, then called "*closeting*," was, it must be owned, a very unskilful species of canvass, where the dignity of the King left little room for more than a single question and answer; where the other parties were necessarily forewarned of the subject of the interview, and which must have soon become so generally known as to expose the more yielding part of them to the admonitions of their more courageous friends. It was easy for an eager monarch, on an occasion which allowed so little explanation, to mistake evasion, delay, and mere courtesy, for an assent to his proposal. But the new influence, and, indeed, power, gained by the Crown over the next elections seemed to be so great as to afford the strongest motives for a new Parliament. For in the six years which followed the first judgments by which the charters of corporations were declared to be forfeited, two hundred and forty-two new charters of incorporation had passed the seals to replace those which had been thus judicially annulled or voluntarily resigned.[d]

New charters.

a. D'Adda, 10th Oct. 1686. "Contando sino a ducento voti necessariamente dependenti da S. M."—"Id. 7th Feb. 1687. Diceva (Sunderland) che nella camera bassa si faceva capitale di ducento voti securi, e si travagliava ad aumentarli."

b D'Adda, 24 Gen. 1687. c Van Citters, 24th Jan. 1687.

d Lords' Journals, 20th Dec. 1689. Report of Lords' committees on *quo warrantos*. Evidence of Roger North, from 1682 to 1688.

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From this number, however, must be deducted those of the plantations on the continent and islands of America[a]; some new incorporations on grounds of general policy[b], and several subordinate corporations in cities and towns, though these last materially affected parliamentary elections. The House of Commons consisted of five hundred and five members, of which two hundred and forty-four were returned on rights of election altogether or in part corporate. This required only a hundred and twenty-two new charters. But in many cases more than one charter had been issued after extorted surrenders, to rivet them more firmly in their dependency; and if any were spared, it can only have been because they were considered as sufficiently enslaved, and some show of discrimination was considered as politic. In six years, therefore, it is evident, that by a few determinations of servile judges, the Crown had acquired the direct, uncontrolled, and perpetual nomination of nearly one half the members of the House of Commons. When we recollect the independent and ungovernable spirit manifested by that assembly in the last fifteen years of Charles II., we may be disposed to conclude that there is no other instance in history of so great a revolution effected in so short a time by the mere exercise of judicial authority. These charters, originally contrived so as to vest the utmost power in the Crown, might, in any instance where experience showed them to be inadequate, be rendered still more effectual for their purpose, as a power of changing them was expressly reserved in each.[c] In order to facilitate the effective exercise of this power, commissioners were appointed to be regulators of corporations, with full power to remove and appoint freemen and corporate officers at their discretion. The Chancellor, the Lords Powis, Sunderland, Arundel, and Castlemain, with Sir Nicholas Butler and Father

[a] Chalmers's Annals of the Colonies. London, 1780.

[b] The College of Physicians, April, 1687, and the town of Bombay, January, 1688, both mentioned by Narc. Lutterell.

[c] Roger Coke. Reign of James II. p. 21. Parliamentum Pacificum, 29, 30. Lond. 1688. The latter pamphlet boasts of these provisions. The Protestant Tories, says the writer, cannot question a power by which many of themselves were brought into the House.

Petre, were the regulators of the first class, who superintended the whole operation.[a] Sir N. Butler and Duncombe, a banker, regulated the corporation of London, from which they removed nineteen hundred freemen, and yet Jeffreys incurred a reprimand, from his impatient master, for want of vigour in changing the corporate bodies, and humbly promised to repair his fault; for "every Englishman who becomes rich," said Barillon, "is more disposed to favour the popular party than the designs of the King."[b] The regulators were sent to every part of the country to make the necessary changes in corporations, and they were furnished with letters from the Secretary of State, recommending them to the aid of the lord lieutenants of all the counties in the kingdom.[c] Circular letters were sent at a time when the election was supposed to be near, recommending to the lord lieutenants, and other men of influence, to procure the election of more than a hundred persons mentioned by name to be members of the next House of Commons. Among them were eighteen members for counties, and many for those towns which, as their rights of election were not corporate, were not yet subjected to the Crown by legal judgments.[d] One was even addressed to the Chief Justice of the King's Bench. In this list we find the unexpected name of John Somers, probably selected from a hope that his zeal for religious liberty might induce him to support a Government which professed so comprehensive a toleration. But it was quickly discovered that he was too wise to be ensnared, and the clerk of the Privy Council was six days after judiciously substituted in his stead.

It is due to James and his minister to remark, that these letters are conceived in that official form which appears to indicate established practice, and the writer betrays no consciousness that such letters were unwarrantable or unusual. Most of these practices

[a] Lords' Journals, ubi suprà.

[b] Barillon, $\frac{27\text{th August,}}{8\text{th Sept.}}$ 1687.

[c] Circular Letter, 21st July, 1688. State Paper Office.

[d] Lord Sunderland's Letters, Sept. 1688. State Paper Office.

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were, indeed, not only avowed, but somewhat ostentatiously displayed as proofs of the King's confidence in the legitimacy and success of his measures. Official letters[a] had also been sent to the lord lieutenants, directing them to obtain answers from the deputy lieutenants and justices of peace of their respective counties, to the questions whether, if any of them were chosen to serve in parliament, they would vote for the repeal of the penal laws and the test, and whether they would contribute to the election of other members of the like disposition; and also to ascertain what corporations in each county were well affected, what individuals had influence enough to be elected, and what Catholics and Dissenters were qualified to be deputy lieutenants or justices of the peace. Several of the lord lieutenants refused to obey an unconstitutional command: their refusal had been foreseen; and one of the reasons for the circular letter was, that so specious a pretext as that of disobedience might thus be found for their removal from office.[b]

Removal of lord lieutenants.

Sixteen lieutenancies[c], held by fourteen lieutenants, were immediately changed, of whom the majority were the principal noblemen of the kingdom, to whom the government of the most important provinces had, according to ancient usage, been entrusted. The removal of Lord Scarsdale[d] from his lieutenancy of Derbyshire showed the disposition of the Princess Anne, and furnished some scope for political dexterity on her part and on that of her father. Lord Scarsdale holding an office in the household of Prince George, the Princess sent Lord Churchill to the King from herself and her husband, humbly desiring to know his Majesty's pleasure how they should deal with one of the Prince's servants who had incurred the King's disfavour. The King, per-

[a] 5th Oct. 1687. State Paper Office. Lord Lonsdale's Memoirs. Van Citters, 7th Nov., whose account exactly corresponds with the original document.

[b] Barillon, $\frac{28 \text{ Nov.}}{8 \text{ Dec.}}$ 1687. "Il alloit faire cette tentative pour avoir un prétexte de les changer."

[c] Id. $\frac{8}{18}$ Dec. 1687.

[d] Id. $\frac{5}{15}$ Dec. 1687.

ceiving that it was intended to throw Scarsdale's removal from their household upon him, and extremely solicitous that it should appear to be his daughter's spontaneous act, and thus seem a proof of her hearty concurrence in his measures, declared his reluctance to prescribe to them in the appointment or dismissal of their officers. The Princess (for Prince George was a cipher) contented herself with this superficial show of respect, resolved that the sacrifice of Scarsdale, if ever made, should appear to be no more than the bare obedience of a subject and a daughter.

James was soon worsted in this conflict of address, and he was obliged to notify his pleasure that Scarsdale should be removed, in order to avoid the humiliation of seeing his daughter's court become the refuge of those whom he had displaced.[a] The vacant lieutenancies were bestowed on Catholics, with the exception of Mulgrave, (who had promised to embrace the King's faith, but whose delays begot suspicions of his sincerity,) and of Jeffreys, Sunderland, and Preston; who, though they continued to profess the Protestant religion, were no longer members of the Protestant party. Five colonels of cavalry, two of infantry, and four governors of fortresses, some of whom were also lord lieutenants, and most of them were of the same class of persons, were removed from their commands. Of thirty-nine new sheriffs, thirteen were said to be Roman Catholics.[b] Although the proportion of gentry among the Nonconformists was less, yet their numbers being much greater, it cannot be doubted that a considerable majority of these magistrates were such as the King thought likely to serve his designs. Even the most obedient and zealous lord lieutenants appear to have been generally unsuccessful: the Duke of Beaufort

[a] Barillon, $\frac{20}{30}$ August, 1687.

[b] The names are marked in a handwriting apparently contemporary, on the margin of the list, in a copy of the London Gazette now before me. Van Citters (14th Nov.) makes the sheriffs almost all either Roman Catholics or Dissenters, probably an exaggeration. In his despatch of 16th December, he states the sheriffs to be thirteen Catholics, thirteen Dissenters, and thirteen submissive Churchmen.

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made an unfavourable report of the principality of Wales; and neither the vehemence of Jeffreys in Buckinghamshire, nor the extreme eagerness of the Earl of Rochester (where he was blamed for indiscretion and excess[a]) made any considerable impression on these counties. Lord Waldegrave, a Catholic, the King's son-in-law, found insurmountable obstacles in Somersetshire.[b] Lord Molyneux, also a Catholic, appointed to the lieutenancy of Lancashire, made an unfavourable report even of that county, then the secluded abode of an ancient Catholic gentry; and Dr. Leyburn, a Catholic bishop, who had visited every part of England in the discharge of his episcopal duty, found little to encourage the hopes and prospects of the King. The most general answer appears to have been that, if chosen to serve in parliament, the individuals to whom the questions were put would vote according to their consciences, after hearing the reasons on both sides; that they could not promise to vote in a manner which their own judgment after discussion might condemn; that if they entered into so unbecoming an engagement, they might incur the displeasure of the House of Commons for betraying its privileges, and they would justly merit condemnation from all good men for disabling themselves to perform the duty of faithful subjects by the honest declaration of their judgment on those arduous affairs of the kingdom on which they were assembled to advise and aid the King. The court was incensed by these answers; but to cover their defeat, and make their resolution more known, it was formally notified in the London Gazette[c], that "His Majesty, being resolved to maintain the liberty of conscience, and to use the utmost endeavours that it may pass into a law, and become an established security for after ages, has thought fit to review the lists of deputy lieutenants and justices of the peace, that those may continue who are willing to contribute to so good and neces-

[a] Johnstone MSS., 8th December, 1687.

[b] D'Adda, $\frac{2}{12}$ Dec. 1687.

[c] London Gazette, 11th Dec. 1687.

sary a work, and such others added from whom he may reasonably expect the like concurrence."

Patronage of the Crown.

It is very difficult to determine in what degree the patronage of the Crown, military, civil, and ecclesiastical, at that period, influenced parliamentary elections. The colonies then scarcely contributed to it.[a] No offices in Scotland, and few in Ireland, were bestowed for English purposes. The revenue was small when compared with that of after times, even after due allowance is made for subsequent change in the value of money. But it was collected at such a needless expense as to become, from the mere ignorance and negligence of the government, a source of influence much more than proportioned to its amount. The Church was probably guarded for the moment, by the zeal and honour of its members, against the usual effects of royal patronage, and even the mitre lost much of its attractions, while the see of York was believed to be kept vacant for a Jesuit. A standing army of 30,000 men presented new means of provision and objects of ambition to the young gentry, who then monopolized military appointments. The revenue, small as it now seems, had increased in proportion to the national wealth, more in the half century before than in any equal period since, and the army had within that time come into existence. It is not easy to decide whether the novelty and rapid increase of these means of bestowing gratification increased their power over the minds of men, or whether it was not necessarily more feeble until long experience had directed the eyes of the community towards the Crown as the source of income and advancement. It seems reasonable to suppose that it might at first produce more violent movements, and in the sequel more uniform support. All the offices in provincial administration were then more coveted than they are now. No modern legislation or practice had then withdrawn any part of that administration from lieutenants, deputy lieutenants sheriffs, coroners, in whose hands it had been placed by the an-

[a] Chamberlayne's present State of England. 1674.

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cient laws. A justice of the peace exercised a power over his inferior never controlled by public opinion, and for the exercise of which he could hardly be said to be practically amenable to law. The influence of government has abated as the powers of these offices have been contracted, or their exercise more jealously watched. The patronage of government cannot be justly estimated, unless it be compared with the advantage to be expected from other objects of pursuit. The professions called learned had then fewer stations and smaller incomes than at subsequent periods. In commerce, the disproportion was immense; there could hardly be said to be any manufactures: agriculture was unskilful, and we do not hear of opulent farmers. Perhaps the whole amount of income and advantage at the disposal of the Crown bore a larger proportion to that which might be earned in all the other pursuits which were raised above manual labour, than might at first sight be supposed. How far the proportion was less than at present it is hard to say; but patronage in the hands of James was the auxiliary of great legal power through lord lieutenants, and of the direct nomination of the members for the corporate towns. The grossest species of corruption had been practised among members of the House of Commons[a]; and the complaints which were at that time prevalent[b] of the expense of elections, render it very probable that bribery was spreading among the electors. Expensive elections have, indeed, no other necessary effect than that of throwing elections into the hands of very wealthy candidates; but they afford too specious pretexts for the purchase of votes, not to be employed in eager contests, as a disguise of that practice.

The rival, though sometimes auxiliary, influence of great proprietors, seems to have been at that time, at least, as considerable as at any succeeding moment. The direct power of nomination must have been vested in many of them by the same state of suffrage and property which confer it on them at present. They

[a] Pension Parliament.

[b] Resolution against treating.

were not rivalled in more popular elections by a monied interest. The power of the landholders over their tenants was not circumscribed, and in all county towns they were the only rich customers of tradesmen who had only begun to emerge from indigence and dependence. The majority of the landholders were Tories, and now adhered to the church. The minority, consisting of the most opulent and noble, were the friends of liberty, who received with open arms their unwonted allies.

From the naturally antagonist force of popular opinion little was probably dreaded by the Court. The Papal, the French, and the Dutch minister, as well as the King and Lord Sunderland, in their unreserved conferences with the first two ministers, seem to have pointed all their expectations and solicitudes towards the uncertain conduct of powerful individuals. The body of the people could not read: one portion of them had little knowledge of the sentiments of another. No publication was tolerated, on a level with the information then possessed, even by the middle classes; and the only channel through which they could be acted upon was the pulpit, which the King had vainly though perfidiously endeavoured to shut up. Considerable impediments stood in the way of the King's direct power over elections. These consisted chiefly in the difficulty of finding candidates for parliament not altogether disreputable, and corporators whose fidelity might be relied on. The moderate Catholics reluctantly concurred in the precipitate measures of the Court. They were disqualified by long exclusion from business, for those offices to which their rank and fortune gave them a natural claim; and their whole number was so small, that they could contribute no adequate supply of fit persons for inferior stations.[a] The numbers of the Nonconformists were, indeed, considerable; amounting, probably, to a sixteenth of the

[a] By Sir W. Petty's computation, which was the largest, the number of the Catholics in England and Wales, about the accession of James, was 32,000, and the survey of bishops in 1676, by order of Charles II., made it 27,000. Barlow (Bishop of Lincoln), Genuine Remains, 312. London, 1693.

"George Fox," said Sir W. Petty, "made five times more Quakers in forty-four years than the Pope, with all his greatness, has made Papists."

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people, besides the compulsory and occasional Conformists, whom the declaration of indulgence had now encouraged to avow their real sentiments.[a] Many of them had acquired wealth by trade, which under the Republic and the Protectorate began to be generally adopted as a liberal pursuit; but they were confined to the great towns, and chiefly to the Presbyterian persuasion, who were ill affected to the Court. Concerning the greater number, who were to fill corporations through the country, it was difficult to obtain accurate information, and hard to believe, that in the hour of contest, they could forget their enthusiastic animosity against the Church of Rome. As the project of introducing Catholics into the House of Commons by an exercise of the dispensing power had been abandoned, nothing could be expected from them but aid in elections; and if one eighth of the members should be Nonconformists, a number so far surpassing their natural share, they would still bear a small proportion to the whole body of the House. These intractable difficulties, founded in the situation, habits, and opinions of men, over which measures of policy or legislation have no direct or sudden power, early suggested to the more wary of the King's counsellors the propriety of attempting some compromise, by which he might immediately gain more advantage and security for the Catholics than could have been obtained from the Episcopalian Parliament, and open the way for further advances in a more favourable season. Shortly after the dissolution, Lord Sunderland communicated to the nuncio his opinions on the various expedients by which the jealousies of the Nonconformists might be satisfied.[b] "As we have wounded the Anglican party," said he, "we must destroy it, and use every means to strengthen as well as conciliate the other, that the whole nation may not be alienated, and that the army may not discover the dangerous secret of the exclusive reliance of the Government upon its fidelity. Among the Nonconformists

Moderate views of Sunderland.

[a] Barlow, ubi supra. About 250,000, when the population was little more than four millions.

[b] D'Adda, $\frac{28 \text{ Lugl.}}{7 \text{ Agosto,}}$ 1687.

were three opinions relating to the Catholics: that of those who would repeal all the penal laws against religious worship, but maintain the disabilities for office and parliament; that of those who would admit the Catholics to office, but continue their exclusion from both Houses of Parliament; and that of a still more indulgent party, who would consent to remove the recent exclusion of the Catholic peers, trusting to the oath of supremacy in the reign of Elizabeth, as a legal, though it had not proved in practice a constant bar, against their entrance into the House of Commons; to say nothing of a fourth project, entertained by zealous Catholics and thorough courtiers, that Catholic peers and commoners should claim their seats in both Houses by virtue of royal dispensations, which would relieve them from the oaths and declarations against their religion required by law; an attempt which the King himself had felt to be too hazardous; likely to excite a general commotion on the first day of the session, to produce an immediate rupture with the new Parliament, and to forfeit all the advantage which had been already gained by a determination of both Houses against the validity of the dispensations." He added, that "he had not hitherto conferred on these weighty matters with any but the King; that he wished the nuncio to consider them, and was desirous to govern his own conduct by that prelate's decision." At the same time he gave D'Adda to understand, that he was inclined to some of the above conciliatory expedients, observing, "that it was better to go on step by step, than obstinately to aim at all with the risk of gaining nothing;" and hinting, that this pertinacity was peculiarly dangerous, where all depended on the life of his Majesty. The purpose of Sunderland was to insinuate his own opinions into the mind of the nuncio, who was the person most likely to reconcile the King and his priests to partial advantages. But a prelate of the Roman court, however inferior to Sunderland in other respects, was more than his match in the art of evading the responsibility which attends advice in perilous conjunctures. With many commendations of Sunderland's zeal,

CHAP. VII. 1687. D'Adda professed "his incapacity of judging in a case which involved the opinions and interests of so many individuals and classes; but he declared, that the fervent prayers of his Holiness, and his own feeble supplications, would be offered to God, for light and guidance to his Majesty and his ministers in the prosecution of their wise and pious designs."

William Penn proposed a plan different from any of the *temperaments* mentioned above; which consisted in the exclusion of Catholics from the House of Commons, and the division of all the public offices into three equal parts, one of which should belong to the church, another should be open to the Nonconformists, and a third to the Catholics[a], an extremely unequal distribution, if it implied the exclusion of the members of the church from two thirds of the stations in the public service; and not very moderate, if it should be understood only as providing against the admission of the dissidents to more than two thirds of these offices. Eligibility to one third would have been a more equitable proposition, and perhaps better than any but that which alone is perfectly reasonable; that the capacity of being appointed to office should be altogether independent of religious opinion.

An equivalent for the tests was held out at the same time, which had a very specious and alluring appearance. It was proposed that an act for the establishment of religious liberty should be passed; that all men should be sworn to its observance; that it should be made a part of the coronation oath, and rank among the fundamental laws, as the *Magna Charta* of Conscience, and *that any attempt to repeal it should be declared to be a capital crime.*[b]

The principal objections to all these mitigated or attractive proposals arose from distrust in the King's intention. It did not depend on the conditions offered, and was as fatal to moderate compromise as to undistinguishing surrender. The nation were now in a temper to consider every concession made to the King as

[a] Johnstone MSS. 13th January, 1688.

[b] William Penn. "Good Advice." "Parliamentum Pacificum."

an advantage gained by an enemy, which mortified their pride, as well as lessened their safety. They regarded negociation as an expedient of their adversaries to circumvent, disunite, and dishearten them.

House of Lords.

The state of the House of Lords was a very formidable obstacle. Two lists of the probable votes in that assembly on the Test and Penal laws were sent to Holland, and one to France, which are still extant.[a] These vary in some respects from each other, according to the information of the writers, and probably according to the fluctuating disposition of some peers.

The greatest division adverse to the Court which they present, is ninety-two against the repeal of the penal and disabling laws to thirty-five for it, besides twenty whose votes are called doubtful, and twenty-three disabled as Catholics. The least division is eighty-six to thirty-three, besides ten doubtful and twenty-one Catholic. The majority on the highest statement would, therefore, be fifty-seven, and that on the lowest fifty-three; if we suppose the voters to continue steady, and the proportions not to be materially changed by death. Singular as it may seem, Rochester, the leader of the church party, is represented in all the lists as being for the repeal. From this agreement of the lists, and from his officious zeal as Lord Lieutenant of Hertfordshire, it cannot be doubted that he had promised his vote to the King; but it is hard to say whether his promise was sincere, and not easy to determine whether treachery to his party or insincerity to his old master would be most deserving of blame. He cannot be acquitted of a grave offence either against political or personal morality. His brother Clarendon, a man of less understanding and courage, is numbered in one list as doubtful, and represented by another as a supporter of the Court. Lord Churchill is stated to be for the repeal; probably from the confidence of the writers that gratitude would in him prevail over every other motive; for it appears that

[a] The reports sent to Holland were communicated to me by the Duke of Portland. One of them purports to be drawn by Lord Willoughby. That sent by Barillon is from the Depôt des Affaires Etrangères.

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on this subject he had the merit of not having dissembled his sentiments to his royal benefactor.[a] Lord Godolphin, engaged rather in ordinary business than in political councils, was numbered in the ranks of official supporters. As Lord Dartmouth, and Lord Preston, and Lord Feversham never fluctuated on religion, they deserve the credit of being rather blinded by personal attachment than tempted by interest or ambition in their support of the repeal.[b] Howard of Escrick and Grey de Werk, who had saved their own lives by contributing to take away those of their friends, appear in the minority as slaves of the Court. Of the Bishops only four had gone so far as to be counted in all the lists as voters for the King.[c] Wood of Lichfield appears to be with the four in one list, and doubtful in another. The compliancy of Sprat had been such as to place him perhaps unjustly in the like situation. Old Barlow of Lincoln was thought doubtful. The other aged prelate, Crofts of Hereford, though he deemed himself bound to obey the King as a Bishop, claimed the exercise of his own judgment as a Lord of Parliament. Sunderland, who is marked as a disabled Catholic in one of the lists, and as a doubtful voter in another, appears to have obtained the Royal consent to a delay of his public profession of the Catholic religion, that he might retain his ability to serve it by his vote in Parliament.[d] Mulgrave was probably in the same predicament.

If such a majority were to continue immoveable, the counsels of the King must have been desperate, or he must have had recourse to open force. But this perseverance was improbable.

[a] 1 Coxe, Marlb. 23—29., where the authorities are collected, to which may be added the testimony of Johnstone:—"Lord Churchill swears he will not do what the King requires from him."—Johnstone's Letters, 12th Jan. 1688.

[b] Johnstone, however, who knew them, did not ascribe their conduct to frailties so generous: "Lord Feversham and Lord Dartmouth are desirous of acting honourably. But the first is mean-spirited, and the second has an empty purse; yet aims at living grandly. Lord Preston desires to be an honest man; but if he were not your friend and my relation, I should say that he is both Feversham and Dartmouth." Johnst. Letters, 12th Jan. 1688.

[c] Durham (Crew), Oxford (Parker), Chester (Cartwright), and St. David's (Watson).

[d] "Ministers and others about the King, who have given him grounds to expect that they will turn papists, say, that if they change before the parliament, they cannot be useful to H. M. in parliament, as the test will exclude them." Johnstone, 8th Dec. 1687.

Among the doubtful there might have been some who concealed a determined resolution under the exterior of silence or of hesitation. Such, though under a somewhat different disguise, was the Marquis of Winchester, who indulged and magnified the eccentricities of an extravagant character; conterfeited, or rather affected a disordered mind, as a security in dangerous times, like the elder Brutus in the legendary history of Rome; and travelling through England in the summer of 1687, with a retinue of four coaches and a hundred horsemen, slept during the day, gave splendid entertainments in the night; and by torch-light, or early dawn, pursued the sports of hunting and hawking.[a] But the majority of the doubtful must have been persons who assumed that character to enhance their price, or who lay in wait for the turns of fortune, or watched for the safe moment of somewhat anticipating her determination. Of such men the powerful never despair. The example of a very few would be soon followed by the rest, and if they or many of them were gained, the accession of strength could not fail to affect those timid and mercenary men who are to be found in all bodies, and whose long adherence to the opposition was already wonderful. But the subtle genius of Lord Sunderland, not content with ordinary means of seduction and with the natural progress of desertion, had long meditated an expedient for quickening the latter, and for supplying in some measure the place of both. He early communicated to the nuncio a plan for subduing the obstinacy of the Upper House by the creation of the requisite number of new peers[b] devoted to his Majesty's measures. He proposed to call up by writ the elder sons of friendly lords, which would increase the present strength, without the incumbrance of new peerages, whose future holders might be independent. Some of the Irish[c], and probably of the Scotch nobility, whose rank made their elevation to the English peerage specious, and whose fortunes disposed them to dependency

[a] Reresby, 247.

[b] D'Adda, $\frac{1}{11}$ Ottob. 1686.

[c] Johns. Lett. 27th Feb. 1688.

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on royal bounty, attracted his attention, as they did that of those ministers who carried his project into execution twenty-five years afterwards. He was so enamoured of this plan, that in a numerous company, where the resistance of the Upper House was said to be formidable, he cried out to Lord Churchill, "O silly! why, your troop of guards shall be called to the House of Lords!"[a] On another occasion (if it be not a different version of the same anecdote) he declared, that sooner than not gain a majority in the House of Lords, he would make all Lord Feversham's troop peers.[b] The power of the Crown was in this case unquestionable. The constitutional purpose for which the prerogative of creating peers exists, is, indeed, either to reward public service, or to give dignity to important offices, or to add ability and knowledge to a part of the legislature, or to repair the injuries of time, by the addition of new wealth to an aristocracy which may have decayed. But no law limits its exercise.[c] By the bold exercise of the prerogative of creating peers, and of the then equally undisputed right of granting to towns the privilege of sending members to parliament, it is evident that the King possessed the fullest means of subverting the constitution by law. The obstacles to the establishment of despotism consisted in his own irresolution or unskilfulness, in the difficulty of finding a sufficient number of trustworthy agents, and in such a determined hostility of the body of the people as led sagacious observers to forbode an armed resistance.[d] The firmness of the Lords has been ascribed to their

[a] Burnet, iii. 249. Oxford edition; Lord Dartmouth's note.

[b] Halifax MSS. The turn of expression would seem to indicate different conversations. At all events, Halifax affords a strong corroboration.

[c] It is, perhaps, not easy to devise such a limitation, unless it was provided that no newly created peer should vote till a certain period after his creation, which, in cases of signal service, would be ungracious, and in those of official dignity inconvenient.

[d] On suivra ici le projet d'avoir un parliament tant qu'il ne paroitra pas impraticable, mais s'il ne réussit pas, le Roi d'Angleterre pretendra faire par son autorité ce qu'il n'aura pas obtenu par la voie d'un parliament. C'est en ce cas là qu'il aura besoin de ses amis au dedans et au dehors, et il recevra alors des oppositions qui approcheront fort d'une rebellion ouverte. On ne doit pas douter qu'elle ne soit soutenue par M. le Prince d'Orange, et que beaucoup de gens qui paroissent attachés au Roi d'Angleterre ne lui manquent au besoin; cette épreuve sera fort perilleuse." Barillon, Windsor, $\frac{29 \text{ Sept.}}{9 \text{ Oct.}}$ 1687.

fears of a resumption of the church property confiscated at the Reformation. But at the distance of a century and a half, and after the dispersion of much of that property by successive sales, such fears were too groundless to have had a considerable influence. But though they ceased to be distinctly felt, and to act separately, it cannot be doubted that the remains of apprehensions once so strong, still contributed to fortify that dread and horror of popery, which were an hereditary point of honour among the great families aggrandized and enriched under the Tudors. The edge of religious animosity among the people was sharpened by the controversy then revived between the divines of the two churches. A dispute about the truth of their religion was insensibly blended with contests concerning the safety of the Establishment, and the extent of toleration infused into it that hatred which is often fiercer, and always more irreconcileable against those who oppose the opinions which we hold sacred than against the opponents of our most important interests. The Protestant establishment and the cause of liberty owed much, it must be owned, to this dangerous and odious auxiliary. The fear, the jealousy, the indignation of the people were more legitimately excited against Roman Catholic government by the barbarous persecution of the Protestants in France, and by the unprovoked invasion of the vallies of Piedmont; both acts of a monarch of whom their own sovereign was then believed to be, as he is now known to have been, the creature.

Royal progress. August.

The King had, in the year 1686, tried the efficacy of a progress through a part of the kingdom, to conciliate the nobility by personal intercourse, and to gratify the people by a royal visit to their remote abodes. It also afforded an opportunity of rewarding compliance by smiles, and of marking the contumacious. With these views he had meditated a journey to Scotland, and a coronation in that kingdom. He now confined himself to an excursion through some southern and western counties, which he began at Portsmouth, proceeding through Bath, at which place the Queen remained during his journey to Chester, where he had that im-

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portant interview with Tyrconnel, of which we have already spoken. He was easily led to consider the courtesies of the nobility due to his station, and the acclamations of the multitude naturally excited by his presence, as symptoms of an inflexible attachment to his person, and of a general acquiescence in his designs. These appearances, however, were not considered as of serious importance, either by the Dutch minister, who dreaded the King's popularity, or by the French ambassador, who desired its increase, or by the papal nuncio, who was so friendly to the ecclesiastical policy of the court, and so adverse to its foreign connections as to render him in some measure an impartial observer. The journey was attended by no consequences more important than a few addresses extorted from the Dissenters by the importunity of personal canvass, and the unseemly explosion of royal anger at Oxford against the fellows of Magdalen College.[a] Scarcely any of the King's measures seem to have had less effect on general opinion, and appears less likely to influence the election for which he was preparing.

Pregnancy of the Queen.

But it was speedily followed by an occurrence which strongly excited the hopes and fears of the public, and at length drove the opponents of the King to decisive resolutions. Soon after the return of the Court to Whitehall[b], it began to be whispered that the Queen was pregnant. This event in the case of a young princess, and of a husband still in the vigour of life, might seem too natural to have excited surprise. But five years had elapsed since her last childbirth, and out of eleven children who were born to James by both his wives, only two had outlived the years of infancy. Of these the Princess of Orange was childless; and the

[a] "The King has returned from his progress so far as Oxford, on his way to the Bath, and we do not hear that his observations or his journey can give him any great encouragement. Besides the considerations of conscience and the public interest, it is grown into a point of honour universally received by the nation not to change their opinions, which will make all attempts to the contrary ineffectual." Halifax to Prin. of Orange, 1st Sept. 1687. Dalrymple, App. to Book V.

[b] James rejoined the Queen at Bath on the 6th of September. On the 16th he returned to Windsor, where the Queen came on the 6th of October. On the 11th of that month they went to Whitehall. Lond. Gaz.

Princess Anne, who had six children, lost five within the first year of their lives, while the survivor only reached the age of eleven. Such an apparent peculiarity of constitution, already transmitted from parent to child, seemed to the credulous passions of the majority, unacquainted as they were with the latitude and varieties of nature, to be a sufficient security against such an accession to the royal progeny as should disturb the order of succession to the crown. The rumour of the Queen's condition suddenly dispelled this security. The Catholics had long and fervently prayed for the birth of a child, who being educated in their communion, might prolong the blessings which they were beginning to enjoy. As devotion, like other warm emotions, is apt to convert wishes into hopes, they betrayed a confidence in the efficacy of their prayers, which early excited suspicions among their opponents that less pure means might be employed for the attainment of the object. Though the whole importance of the pregnancy depended upon contingencies so utterly beyond the reach of human foresight as the sex of the child, the passions of both parties were too much excited to calculate probabilities, and the fears of the Protestants as well as the hopes of the Catholics anticipated the birth of a male heir. The animosity of the Protestants imputed to the Roman Catholic religion, that unscrupulous use of any means for the attainment of an object earnestly desired, which might more justly be ascribed to inflamed zeal for any religious system, or with still greater reason to all those ardent passions of human nature, which, when shared by multitudes, are released from the restraints of fear or shame. In the latter end of November a rumour that the Queen had been pregnant for two months became generally prevalent[a]; and early in December, surmises of imposture began to circulate at court.[b] Time did not produce its usual effect of removing uncertainty, for, in the middle of the same month, the Queen's symptoms were represented by physicians as

[a] Narc. Luttrell, Diary, 28th Nov. 1687.

[b] Johnstone, 8th Dec. O. S. 1687.

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still ambiguous, in letters, which the careful balance of facts on both sides, and the cautious abstinence from a decisive opinion, seem to exempt from the suspicion of bad faith.[a] On the 23d of December, a general thanksgiving for the hope of increasing the royal family was ordered; but on the 15th of the next month, when that thanksgiving was observed in London, Lord Clarendon remarked with wonder, "that not above two or three in the Church brought the form of prayer with them; and that it was strange to see how the Queen's pregnancy was every where ridiculed, as if scarce any body believed it to be true."[b] The nuncio early expressed his satisfaction at the pregnancy, as likely to contribute "to the re-establishment of the Catholic religion in these kingdoms[c];" and in the following month, he pronounced to her Majesty the solemn benediction of the sovereign pontiff, on a pregnancy so auspicious to the Church.[d] Of the other ministers most interested in this event, Barillon, a veteran diplomatist, too cool and experienced to be deluded by his wishes, informed his master, "that the pregnancy was not believed to be true in London; and that in the country, those who spread the intelligence were laughed at[e]:" while the republican minister, Van Citters, coldly communicated the report, with some of the grounds of it, to the States-General, without hazarding an opinion on a matter so delicate.

The Princess Anne, in confidential letters to her sister at the Hague, when she had no motive to dissemble, signified her unbelief, which continued even after the birth of the child[f], and was neither subdued by her father's solemn declarations, nor by the

[a] Johnstone, 16th Dec. 1687, containing a statement of the symptoms by Sir Charles Scarborough, and another physician whose name I have been unable to decipher.

[b] Diary of H. Earl of Clarendon, 15th Jan. 1688.

[c] D'Adda, $\frac{22\text{ Nov.}}{2\text{ Dec.}}$ 1687.

[d] Id. $\frac{9\text{ Feb.}}{20\text{ Febrajo,}}$ 1688.

[e] Barillon, $\frac{1}{11}$ Dec. 1687.

[f] March 14th and 20th, 1688. Dalrymple, App. 300. "Her being so positive it will be a son, and the principles of that religion being such that they will stick at nothing, be it ever so wicked, if it will promote their interest, give some cause to fear that there is foul play

testimony which he produced.[a] On the whole, the suspicion, though groundless and cruel, was too general to be dishonest; there is no evidence that the rumour originated in the contrivance of any individuals; it is for that reason more just, as well as perhaps in itself more probable, to conclude that it arose spontaneously in the minds of many, influenced by the circumstances and prejudices of the time, and the most instructive inference to be deduced from it is, that the universal prevalence of such epidemic opinions often affords no more than a very slight presumption of their truth, but that they ought to be considered as sufficient to exculpate even men of understanding, who are subject to the action of the contagion, from that imputation of insincerity which, by their professed belief in rumours, without proof and against probability, they could hardly fail to incur in times more favourable to calm judgment. The currency of the like rumours, on a similar occasion, five years before, favours the opinion that they arose from the obstinate prejudices of people rather than from the invention of designing politicians.[b] The imprudent confidence of the Catholics materially contributed to strengthen the suspicions of their opponents. When the King and his friends ascribed the pregnancy to his own late prayers at St. Winifred's[c] well, or to the vows while living, and intercession since death of the deceased Duchess of Modena, the Protestants suspected that effectual measures would be taken to prevent the interposition of Heaven from being of no avail to the Catholic cause. Their jealous apprehensions were countenanced by the expectations of the Catholics that the child was to prove a son, which was indicated in the proclamation for thanksgiving[d],

intended." On the 18th of June, 1688, she says, "Except they give very plain demonstration, which seems almost impossible now, I shall ever be of the number of unbelievers."

Even the candid and loyal Evelyn very intelligibly intimates his suspicions. (Diary, 10th and 17th June, 1688.)

[a] Clarendon Diary, 31st Oct., 1688.

[b] "If it had pleased God to have given his Highness the blessing of a son, as it proved a daughter, you were prepared to make a Perkin of him." L'Estrange, Observator, 23d August, 1682.

[c] Life of James II., ii. 129.

[d] The object of the thanksgiving was indicated more plainly in the Catholic form of prayer

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and unreservedly avowed in private conversation. As straws show the direction of the wind, the writings of the lowest scribblers may sometimes indicate the temper of a party, and one such writing, preserved by chance, may probably be a sample of the multitudes which have perished. Mrs. Behn, a loose and paltry poetastress of that age, was bold enough in the title page of what she calls "A Poem to their Majesties," to add, "on the hopes of all loyal persons for a Prince of Wales," and ventures in her miserable verses already to hail the child of unknown sex, as "Royal Boy."[a] The lampooners of the opposite party, in verses equally contemptible, showered down derision on the Romish imposture[b], and pointed the general abhorrence and alarm towards the new Perkin Warbeck whom the Jesuits were preparing to be the instrument of their designs.

While these hopes and fears agitated the multitude of both parties, the ultimate objects of the King became gradually more definite, while he at the same time deliberated, or perhaps, rather decided, about the choice of his means. His open policy assumed a more decisive tone; Castlemaine, who in his embassy had acted with the most ostentatious defiance of the laws, and Petre, the most obnoxious clergyman of the Church of Rome, were sworn of the privy council.[c] The latter was even promoted to an ecclesiastical office in the household of a prince, who still exercised all the powers of the supreme head of a Protestant Church. Corker, an English Benedictine, the superior of a monastery of that order in London, had an audience of the King in his ecclesiastical habits, as envoy from the Elector of Cologne[d], doubtless by a secret

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on that occasion:—"Concede propitius ut famula tua Regina nostra Maria partu felici prolem edat tibi fideliter servituram." Orationes addendæ ad missam in Regno Anglico. Van. Att. 28th January, 1688.

[a] London, 1688.

[b] State Poems, vol. iii. and iv.; a collection at once the most indecent and unpoetical probably extant in any language.

[c] Lond. Gaz., 25th Sept. 1687, and 11th Nov. 1687; in the last Petre is styled "Clerk of the Closet."

[d] Narc. Luttrell, January, 1688.

understanding between James and that prince; an act, which Louis XIV. himself condemned as unexampled in Catholic countries, and likely to provoke heretics, whose prejudices ought not to be wantonly irritated.[a] As the animosity of the people towards the Catholic religion increased, the designs of James for its re-establishment became bolder and more open. The monastic orders, clad in garments long strange and now alarming to the people, filled the streets of London, and the King prematurely exulted that his capital had the appearance of a Catholic city[b], little aware of the indignation with which that obnoxious appearance inspired the body of his Protestant subjects. He must now have felt that his contests with the Church of England had reached that point in which neither party would submit without a total defeat. The language used or acquiesced in by him in the most confidential intercourse, does not leave his intention to be gathered by inference. For though the words, "to establish the Catholic religion," may denote no more than to secure its free exercise, another expression is employed on this subject for a long time, and by different persons, in correspondence with him, which has no equivocal sense, and allows no such limitation. On the 12th of May, 1687[c], Barillon assured him, that the most Christian King "had nothing so much at heart as to see the success of his exertions to re-establish the Catholic religion." Far from limiting this important term, James adopted it in its full extent, answering, "You see that I omit nothing in my power." Not content with thus accepting the congratulation in its utmost latitude, James continued, "I hope the King your master will aid me; and that we shall, in concert, do great things for religion:" proclaiming his reliance for aid in his designs on a monarch who, at that moment, supported the religious establishment by persecution. In a few months afterwards, when imitating another part of the policy of

London has the appearance of a Catholic city.

[a] Le Roi à Barillon, $\frac{16}{26}$ Fev. 1688.

[b] D'Adda, $\frac{28\text{ Feb.}}{9\text{ Marzo,}}$ 1688.

[c] Barillon au Roi, $\frac{2}{12}$ Mai, 1687.

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Louis XIV., he had established a fund for rewarding converts to his religion, he solicited pecuniary aid from the Pope for that very ambiguous purpose. The nuncio, in answer, declared the sorrow of his Holiness, at being disabled by the impoverished state of his treasury to contribute money, notwithstanding "his paternal zeal for the promoting, in every way, the re-establishment of the Catholic religion in these kingdoms[a];" as he had shortly before expressed his hope, that the Queen's pregnancy would ensure "the re-establishment of the true religion in these kingdoms[b]:" another term was in familiar use at court for the final object of the royal pursuit. It was called "the great work;" a phrase borrowed from the supposed transmutation of metals by the alchemists, which naturally signified a total change, and which never could have been applied to mere toleration by those who were in system, if not in practice, the most intolerant men of an intolerant age. The King told the nuncio, that Holland was the main obstacle to the establishment of the Catholic religion in these kingdoms; and D'Albyville, minister at the Hague, declared, that without humbling the pride of that republic, there could be no hope of the success "of the great[c] work." Two years afterwards, James, after reviewing his whole policy and its consequences, deliberately and decisively avows the extent of his own designs.[d] "Our subjects opposed our government, from the fear that we should introduce the orthodox faith, which we were, indeed, labouring to accomplish when the storm began, and which we have done in our kingdom of Ireland." Mary of Este, during the absence of her husband in Ireland, exhorts the papal minister, "to earn the glorious title of

a D'Adda, $\frac{23 \text{ Dec. } 1687.}{2 \text{ Genn. } 1688.}$ "Il ristabilimento della religione Cattolica in questi Regni."

b D'Adda, $\frac{22 \text{ Nov.}}{2 \text{ Dec.}}$ 1687. "Il ristabilimento della vera religione in questi Regni."

c D'Adda, $\frac{12}{22}$ Agosto, 1687.

d James II. to Cardinal Ottoboni. Dublin, 15th Feb. 1690. Papal MSS.

restorer of the faith in the British kingdoms[a]; and declares, that she "hopes much from his administration for the re-establishment both of religion and the royal family."[b] Finally, the term "re-establish," which can refer to no time subsequent to the accession of Elizabeth, had so much become the appropriate term, that Louis XIV. assured the Pope, of his determination to aid "the King of England, and to re-establish the Catholic religion in that island."[c] None of the most discerning friends or opponents of the King seem at this time to have doubted that he meditated no less than to transfer to his own religion the privileges of an established church. Gourville, one of the most sagacious men of his age, being asked by the Duchess of Tyrconnel, when about to make a journey to London, what she should say to the King if he enquired about the opinion of his old friend Gourville, of his measures for the "re-establishment" of the Catholic religion in England, begged her to answer, "If I were pope, I should have excommunicated him for exposing all the English Catholics to the risk of being hanged. I have no doubt, that what he sees done in France is his model, but the circumstances are very different. In my opinion, he ought to be content with favouring the Catholics on every occasion, in order to augment their number, and he should leave to his successors the care of gradually subjecting England altogether to the authority of the pope."[d] Bossuet, the most learned, vigorous, and eloquent of controversialists, in the great work on the variations of the Protestant churches, which he published at this critical time, ventured to foretell, that the pious efforts of James would speedily be rewarded by the reconciliation of the British islands with the universal church, and their filial submission to the apostolic see.[e]

If Gourville considered James an injudicious imitator of

[a] Mary to the same, St. Germains, 4th Dec. 1689, papal MSS.

[b] The same to the same, $\frac{5}{15}$ Dec. 1689. [c] Louis XIV. to the Pope, $\frac{7}{17}$ Fév. 1689.

[d] Mémoires de Gourville, ii. 254. Paris, 1724.

[e] Histoire des Variations des Eglises Protestantes, lib. 7.

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Louis XIV., it is easy to imagine what was thought on the subject in England, at a time when one of the mildest, not to say most courtly, writers, in the quietness and familiarity of his private diary, speaks of "the persecution raging in France," and so far forgets his own temper, and the style suitable to such writings, as to call Louis "the French tyrant."[a] Lord Halifax, Lord Nottingham, and Lord Danby, the three most important opponents of the King's measures, disagreeing as they did very considerably in opinion and character, evidently agreed in their apprehension of the extent of his designs.[b] They advert to them as too familiar to themselves and their correspondent to require proof, or even developement; they speak of them as being far more extensive than the purposes avowed, and they apply terms to them which might be reasonable in the present times, when many are willing to grant and to be contented with religious liberty, but which are entirely foreign to the conceptions of an age when toleration (a term then synonymous with connivance) was the ultimate object of no great party in religion, but was sometimes sought by dissenters as a step towards establishment, and sometimes yielded by the followers of an established church under the pressure of a stern necessity. Some even of those who, having been gained over by the King, were most interested in maintaining his sincerity, were compelled at length to yield to the general conviction. Colonel Titus, a veteran politician, who had been persuaded to concur in the repeal of the penal laws (a measure agreeable to his general principles), declared "that he would have no more to do with him: that his object was only the repeal of the penal laws; that their design is to bring in their religion right or wrong, and to model the army in order to effect

[a] Evelyn, Diary, 3d of Sept. 1687. 23d of Feb. 1688.

[b] Lord Halifax to the Prince of Orange, 7th Dec. 1686. The same to the same, 18th Jan. 1687. "Though there appears *the utmost vigour to pursue the object which has been so long laid*, there seemeth to be no less firmness in the nation and aversion to change."—"Every day will *give more light to what is intended; though it is already no more a mystery.*" Same to the same, 31st May, 1687.

Lord Nottingham to the Prince of Orange, 2d Sept. 1687:—"For though *the end at which they aim is very plain* and visible, the methods of arriving at that end have been variable and *uncertain.*" Lord Danby, 27th March, 1688. Dalrymple, App. book v.

their purpose; and, if that is not sufficient, to obtain assistance from France."[a] The converts to the religious or political party of the King were few and discreditable. Lord Lorn, whose predecessors and successors were the firmest supporters of the religion and liberty of his country, is said to have been reduced by the confiscation of his patrimony[b] to the sad necessity of professing a religion which he must have regarded with feelings more hostile than those of mere unbelief. Lord Salisbury, whose father had been engaged with Russell and Sydney in the consultation called the Ryehouse Plot, and whose grandfather sat in the House of Commons after the abolition of monarchy and peerage, embraced the Catholic religion, and adhered to it during his life. The offices of attorney and solicitor-general, which acquire a fatal importance in this country under governments hostile to liberty, were newly filled. Sawyer, who had been engaged in the worst prosecutions of the preceding ten years, began to tremble for his wealth, and retired from a post of dishonourable danger. He was succeeded by Sir Thomas Powis, a lawyer of no known opinions or connections in politics, who acted on the unprincipled maxim, that, having had too little concern for his country to show any preference to public men or measures, he might as lawfully accept office under any government, as undertake the defence of any client. Sir W. Williams, the confidential adviser of Lord Russell, on whom a fine of ten thousand pounds had been inflicted, for a publication authorised by him as Speaker of the House of Commons, though solemnly pledged both to men and measures in the face of the public, now accepted the office of solicitor-general, without the sorry excuse of any of those maxims of professional ethics by which a powerful body countenance each other in their disregard of public duty. A project was in agitation for depriving the Bishop of London by a sentence of the ecclesiastical commissioners

[a] Johnstone, $\frac{6}{16}$ February, 1688.

[b] Narc. Lutt. 1st April, 1688, "arrested for 3000*l.*, declares himself a Catholic."

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for perseverance in his contumacy[a]; but Cartwright, of Chester, his intended successor, having, in one of his drunken moments, declared the Chancellor and Lord Sunderland to be scoundrels who would betray the King, and having first denied it by his sacred order, but being at last reduced to beg pardon for it in tears[b], the plan of raising him to the see of London was abandoned. Crew, Bishop of Durham, was expected to become a Catholic, and Parker of Oxford, the only prelate whose talents and learning, seconded by a disregard of danger and disgrace, qualified him for breaking the spirit of the clergy of the capital, though he had supported the Catholic party during his life, refused to conform to their religion on his death-bed[c], leaving it doubtful, by his habitual alienation from religion and honour, to the lingering remains or the faint revival of which of these principles the unwonted delicacy of his dying moments may be most probably ascribed.

[a] Johnstone, 8th Dec. 1687. It may be proper to observe, that Johnstone's connections afforded him considerable means of information. Mrs. Dawson, an attendant of the Queen, was an intimate friend of his sister, Mrs. Baillie, of Jerviswood. Another of his sisters was the wife of General Drummond, who was deeply engaged in the persecution of the Scotch Presbyterians, and the Earl of Melfort's son had married his niece. His letters were to or for Burnet, his cousin, and to be read by the Prince of Orange, to both of whom he had the strongest inducements to give accurate information. He had frequent and confidential intercourse with Halifax, Tillotson, and Stillingfleet.

[b] Johnstone, 27th Feb. 1688. Narc. Luttrell, 11th Feb. 1688.

[c] Evelyn, 23d March, 1688.

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REMARKABLE QUIET. — ITS PECULIAR CAUSES. — COALITION OF NOTTINGHAM AND HALIFAX. — FLUCTUATING COUNSELS OF THE COURT. — "PARLIAMENTUM PACIFICUM." — BILL FOR LIBERTY OF CONSCIENCE. — CONDUCT OF SUNDERLAND. — JESUITS.

Remarkable quiet.

ENGLAND perhaps never exhibited an external appearance of more undisturbed and profound tranquillity than in the momentous seven months which elapsed from the end of autumn to the beginning of summer. Not a speck in the heavens seemed to the common eye to forebode a storm. None of the riots now occurred which were the forerunners of the civil war under Charles I. There were none of those numerous assemblies of the people which affright by their force, when they do not disturb by their violence, and are sometimes as terrific in disciplined inaction, as in tumultuous outrage. Even the ordinary marks of national disapprobation, which prepare and announce a legal resistance to power, were wanting. There is no trace of public meetings in counties or great towns where such demonstrations of public opinion could have been made. The current of flattering addresses continued to flow towards the throne, uninterrupted by a single warning remonstrance of a more independent spirit, or even of a mere decent servility. It does not appear that in pulpits, where alone the people could be freely addressed, political topics were discussed, though it must be acknowledged[b] that the controversial sermons against the opinions of the Church of Rome, which then abounded, proved in effect the most formidable obstacle to the progress of her ambition.

Various considerations will serve to lessen our wonder at this singular state of silence and inactivity. Though it would be idle

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to speak gravely of the calm which precedes the storm, and thus to substitute a trite illustration for a reason, it is nevertheless true, that there are natural causes which commonly produce an interval, sometimes, indeed, very short, of more than ordinary quiet between the complete operation of the measures which alienate a people, and the final resolution which precedes a great change. Amidst the hopes and fears which succeed each other in such a state, every man has much to conceal of what it requires some time to acquire boldness to disclose. Distrust and suspicion, the parents of silence, which easily yield to sympathy in ordinary and legal opposition, are called into full activity by the first secret consciousness of a disposition to more daring designs. It is natural for men in such circumstances to employ time in watching their opponents, as well as in ascertaining the integrity and courage of their friends. When human nature is stirred by such mighty agents, the understanding, indeed, rarely deliberates; but the conflict and alternation of strong emotions, which assume the appearance and receive the name of deliberation, produce naturally a disposition to a fearful pause before irrevocable action. The boldest must occasionally contemplate their own danger with apprehension; the most sanguine must often doubt their success; those who are alive to honour must be visited by the sad reflection, that if they be unfortunate they may be insulted by the multitude for whom they sacrifice themselves; and good men will be frequently appalled by the inevitable calamities to which they expose their country for the uncertain chance of deliverance. When the fluctuation of mind has terminated in bold resolution, a farther period of reserve must be employed in preparing the means of co-operation and maturing the plans of action. But there were some circumstances peculiar to the events now under consideration, which strengthened and determined the operation of general causes. In 1640, the gentry and the clergy were devoted to the court, while the higher nobility and the great towns adhered to the parliament. The people distrusted their divided superiors, and the tumultuous display of their force (the natural

Its peculiar causes.

result of their angry suspicions) served to manifest their own inclinations, while it called forth their friends and intimidated their enemies among the higher orders. In 1688, the state of the country was reversed. The clergy and gentry were for the first time discontented with the crown. The majority of the nobility, and the growing strength of the commercial classes, reinforced by these unusual auxiliaries, and by all who either hated popery or loved liberty, were fully as much disaffected to the King as the great body of the people. The nation trusted their natural leaders, who, perhaps, gave, more than they received, the impulse on this occasion. No popular chiefs were necessary, and none arose to supply the place of their authority with the people, who reposed in quiet and confidence till the signal for action was made. This important circumstance produced another effect. The whole guidance of the opposition fell gradually into fewer and fewer hands; it became every day easier to carry it on more calmly; popular commotion could only have disturbed councils where the people did not suspect their chiefs of lukewarmness, and the chiefs were assured of the prompt and zealous support of the people. It was as important to restrain the impetuosity of the multitude, as it might be necessary in other circumstances to indulge it. Hence arose the facility of caution and secrecy at one time, of energy and speed at another, of concert and co-operation throughout, which are indispensable in enterprises so perilous.

It must not be forgotten that a coalition of parties was necessary on this occasion. It was long before the Tories could be persuaded to oppose the monarch; and there was always some reason to apprehend, that he might by timely concessions recal them to their ancient standard. It was still longer before they could so far relinquish their avowed principles as to contemplate, without horror, any resistance by force, however strictly defensive. Two parties, who had waged war against each other in the contest between monarchy and popular government, during half a century, even when common danger taught them the necessity of sacrificing their differences, had still more than common reason to

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examine each other's purposes before they at last determined on resolutely and heartily acting together. It required some time after a mutual belief in sincerity, before habitual distrust could be so much subdued as to allow reciprocal communication of opinion. In these moments of hesitation, the friends of liberty must have been peculiarly desirous not to alarm the new born-zeal of their important and unwonted confederates by turbulent scenes or violent councils.

The state of the succession to the crown had also a considerable influence, as will afterwards more fully appear. Suffice it for the present to observe, that the expectation of a Protestant successor restrained the impetuosity of the more impatient Catholics, and disposed the more moderate Protestants to an acquiescence, however sullen, in evils which could only be temporary. The rumour of the Queen's pregnancy had roused the passions of both parties; but as soon as the first shock had passed, the uncertain result produced an armistice, distinguished by the silence of anxious expectation, during which both eagerly but resolutely waited for the event, which might extinguish the hopes of one, and release the other from the restraint of fear.

It must be added, that to fix the precise moment when a wary policy is to be exchanged for bolder measures, is a problem so important, that a slight mistake in the attempt to solve it may be fatal, and yet so difficult, that its solution must generally depend more on a just balance of firmness and caution in the composition of character, than on a superiority of any intellectual faculties.

Coalition of Nottingham and Halifax.

The two eminent persons who were now at the head of the coalition against the Court, afforded remarkable examples of this truth. Lord Nottingham, who occupied that leading station among the Tories, which the timidity if not treachery of Rochester had left vacant, was a man of firm and constant character, but solicitous to excess for the maintenance of that uniformity of measures and language which, indeed, is essential to the authority of a decorous and grave statesman. Lord Halifax, sufficiently pliant, or perhaps fickle, though the boldest of politicians in speculation, became

refined, sceptical, and irresolute, at the moment of action. Both hesitated on the brink of a great enterprise. Lord Nottingham pleaded conscientious scruples, and recoiled from the avowal of the principles of resistance which he had long reprobated. Lord Halifax saw difficulty too clearly, and continued too long to advise delay. Those who knew the state of his mind, observed "the war between his constitution and his judgment[a];" in which, as usual, the former gained the ascendant for a longer period than, in the midst of the rapid progress of great events, was conducive to his reputation.

Fluctuating counsels of the Court.

Some of the same causes which restrained the manifestation of popular discontent, contributed also to render the counsels of the Government inconstant. The main subject of deliberation, regarding the internal affairs of the kingdom, continued to be the possibility of obtaining the objects sought for by a compliant parliament, or of pursuing them by means of the prerogative and the army. On these questions a more than ordinary fluctuation prevailed. Early in September, Bonrepaux, who, on landing, met the King at Portsmouth, was surprised at the frankness with which he owned, that the repairs and enlargements of that important fortress were intended to strengthen it against his subjects.[b] At several periods in the course of the year, the King and his most zealous advisers spoke of the like projects with as little reserve. In October it was said, "that if nothing could be done by parliamentary means, the King would do all by his prerogative;" an attempt from which Barillon expected that insurrection would ensue.[c] Three months after, the bigoted Romanists, whether more despairing of a parliament or confident in their strength, and incensed at resistance, no longer concealed their contempt of the Protestant part of the royal family, and of the necessity of

[a] Johnstone, 4th April, 1688.

[b] Bonrepaux à Seignelai, 4th Sept. 1687. Fox MSS. ii.

[c] Barillon, $\frac{30 \text{ Sept.}}{10 \text{ Oct.}}$ 1687. Bonrepaux à Seignelai, same date. Fox MSS. ii.

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recurring to arms.[a] The same temper showed itself at the eve of the birth of the prince. The King then declared, that, rather than desert, he should pursue his objects without a parliament, in spite of any laws which might stand in his way; a project which Louis XIV., less bigoted and more politic, considered "as equally difficult and dangerous."[b] But the sea might as well cease to ebb and flow, as a council to remain for so many months at precisely the same point in regard to such hazardous designs. In the interval between these plans of violence, hopes were sometimes harboured of obtaining from the daring fraud of returning officers, such a House of Commons as could not be hoped for from the suffrages of any electors. The prudence of the Catholic gentry, who were named sheriffs, appears to have speedily disappointed this expectation.[c] Neither do the Court appear to have even adhered for a considerable time to the bold project of accomplishing their purposes without a parliament. In moments of secret misgiving, when they shrunk from these desperate counsels, they seem frequently to have sought refuge in the flattering hope, that their measures to fill a House of Commons with their adherents, though hitherto so obstinately resisted, would in due time prove successful. The meeting of a parliament was always held out to the public; it was still sometimes regarded as a promising expedient[d]; and a considerable time for sounding and moulding the public temper yet remained before the three years after the dissolution, within which the triennial act required that assembly to be called together, would elapse. It seemed needless to cut off all

[a] Johnstone, 29th Jan. 1688. Lady Melford overheard the priests speak to her husband of "blood," probably with some reference to foreign war, as well as to the suppression of the disaffected at home. "Sidney vous fera savoir qu'après des grandes contestations on est enfin résolu de faire leurs affaires sans un parlement."

[b] Barillon au Roi, $\frac{26 \text{ Avril}}{6 \text{ Mai}}$, 1688. Le Roi à Barillon, $\frac{4}{14}$ Mai, 1688. "Le projet que fait la cour ou vous êtes de renverser toutes les lois d'Angleterre pour parvenir au but qu'elle se propose, me paroît d'une difficile et périlleuse exécution."

[c] Johnstone, 8th Dec. 1687. "Many of the popish sheriffs have estates, and declare that whoever expects false returns from them will be deceived."

[d] Johnstone, 21st February, 1688.

retreat to legal means till that time should expire. The Queen's pregnancy affected these consultations in various modes. The boldest considered it as likely to intimidate their enemies, and to afford the happiest opportunity for immediate action. A parliament might, they said, be assembled, that might either yield to the general joy at the approaching birth of a prince, or by their sullen and mutinous spirit justify the employment of more decisive measures.[a] The more moderate, on the other hand, thought, that if the birth of a prince were followed by more cautious policy, and if the long duration of a Catholic government were secured by the parliamentary establishment of a regency, there was a better chance than before of gaining all important objects in no very long time by the forms of law and without hazard to the public quiet. Penn desired a parliament, as the only mode of establishing toleration without subverting the laws. He laboured to persuade the King to spare the Tests, or to offer an equivalent for such parts of them as he wished to take away.[b] Halifax said to a friend, who argued for the equivalent, "Look at my nose, it is a very ugly one, but I would not take one five hundred times better as an equivalent, because my own is fast to my face."[c] He made a more serious attack on these dangerous and seductive experiments, in a masterly tract, entitled "The Anatomy of an Equivalent." A tract was published to prepare the way for what was called "a healing parliament," which, in the midst of tolerant professions and conciliatory language, chiefly attracted notice by insult and menace. In this publication, which, being licensed by Lord Sunderland[d], was treated as the act of the Government, the United Provinces were reminded, that "their commonwealth was the result of an absolute rebellion, revolt, and defection, from their prince[e];" and they were apprised of the respect of the King for the inviolability of their territory, by a menace thrown out to Burnet, that he "might be taken out of their country, and cut up

Parliamentum Pacificum.

[a] Barillon. [b] Johnstone, 6th February, 1688. [c] Johnstone, 12th March, 1688.
[d] 15th February, 1688. [e] Parliamentum Pacificum, 66. and 68.

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alive in England;" in imitation of a supposed example in the reign of Elizabeth[a]: a threat the more alarming, because it was well known that such a project had been long entertained, and that attempts had already been made for its execution. Van Citters complained of this libel in vain. The king expressed wonder and indignation, that a complaint should be made of the publication of an universally acknowledged truth; confounding the fact of resistance with the condemnation pronounced upon it by the opprobrious terms, which naturally imported and were intended to affirm that the resistance was criminal.[b] Another pamphlet, called "A New Test of the Church of England's Loyalty[c]," exposed with scurrility the inconsistency of the Church's recent independence, with her long professions and solemn decrees of non-resistance; with a threat, that "His Majesty would withdraw his royal protection, which was promised upon the account of her constant fidelity." Such menaces were very serious, at a moment when D'Albyville, James's minister at the Hague, told the Prince of Orange, that "upon some occasions princes must forget their promises;" and being "reminded by William, that the King ought to have more regard to the Church of England, which was the main body of the nation," answered, "that the body called the Church of England would not have a being in two years."[d]

Bill for liberty of conscience.

The great charter of conscience was now drawn up, in the form of a bill, and prepared to be laid before parliament. It was entitled "An Act for granting of Liberty of Conscience, without imposing of Oaths and Tests."[e] The preamble thanks the King for the exercise of his dispensing power, and recognises it as legally warranting his subjects to enjoy their religion and their offices during his reign; but, in order to perpetuate his pious and Christian bounty to his people, the bill proceeds to enact, that all persons professing Christ may assemble publicly or privately, without any

[a] Parliamentum Pacificum, 57.
[b] Barillon, 19th April, 1688.
[c] Scott's Somers' Tracts, ix. 195.
[d] Burnet, iii. 207. (Oxford edit. 1823.)

licence, for the exercise of their religious worship; that all laws to the contrary against nonconformity and recusancy, exacting oaths, or declarations, or tests, or imposing disabilities or penalties of religion, shall be repealed; and more especially in order "that his Majesty may not be debarred of the service of his subjects, which by the law of nature is inseparably annexed to his person, over which no act of parliament can have any control, any further than he is pleased to allow of the same[a];" it takes away the oaths of allegiance and supremacy, and the tests and declarations required by the twenty-fifth and thirtieth of the late king, as qualifications to hold office, or to sit in both houses of parliament. It was, moreover, provided, that meetings for religious worship should be open and peaceable; that notice of the place of assembly should be given to a justice of peace; that no seditious sermons should be preached in them; and that in cathedral and collegiate churches, parish churches, and chapels, no persons shall officiate but such as are duly authorised according to the Act of Uniformity[b], and no worship be used but what is conformable to the Book of Common Prayer therein established, for the observance of which provision,—the only concession made by the bill to the fears of the Establishment,—it was further enacted, that the penalties of the Act of Uniformity should be maintained against the contravention of that statute in the above respects. Had this bill passed into a law, and had such a law been permanently and honestly executed, Great Britain would have enjoyed the blessings of religious liberty in a degree unimagined by the statesmen of that age, and far surpassing all that she has herself gained in a century and a half of the subsequent progress of almost all Europe

[a] This language seems to have been intentionally equivocal. The words "allow of the same," may in themselves mean till he gives his royal assent to the Act. But in this construction the paragraph would be an unmeaning boast, since no bill can become an act of parliament till it receives the royal assent; and, secondly, it would be inconsistent with the previous recognition of the legality of the King's exercise of the dispensing power; Charles II. having given his assent to the acts dispensed with. It must therefore be understood to declare, that acts of parliament disabling individuals from serving the public, restrain the King only till he dispenses with them.

[b] 14 Ch. II.

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[a] Account of James II.'s visit to Amsterdam, by William Carr, then English consul (said by mistake to be in 1681). Gentleman's Magazine, vol. lix. part 2. p. 659.

[b] Life of James II., i. 694. The words of his speech are copied from his own MS. memoirs.

the proscribed Presbyterians.[a] But very shortly after, when the Earl of Argyle, acting evidently from the mere dictates of conscience, added a modest and reasonable explanation to an oath required from him, which without it would have been contradictory, the lord commissioner caused that nobleman to be prosecuted for high treason, and condemned to death on account of his conscientious scruples.[b] To complete the evidence of his tolerant spirit, it is only necessary to quote one passage which he himself has fortunately preserved. He assures us that, in his confidential communication with his brother, he represented it as an act of "imprudence to have proposed in parliament the repeal of the thirty-fifth of Elizabeth[c]," a statute almost as sanguinary as those acts of the parliament of Scotland, which he exhorted them to sharpen, and sanctioned by a general ratification. The folly of believing his assurances of equal toleration was at the time evinced by an appeal to those solemn declarations of a resolution to maintain the edict of Nantz, with which Louis XIV. had accompanied every one of the encroachments on it, which opened the way for its revocation. Where a belief prevailed that a law was passed without an intention to observe it, all scrutiny of its specific provisions became needless; yet it ought to be remarked, that though it might be fair to indemnify those who acted under the dispensing power, the recognition of its legality was at least a wanton insult to the Constitution, and appeared to betray a wish to reserve that power for further and more fatal measures. The dispensation granted before to the incumbent of Battersea showed the facility with which such a prerogative might be employed to elude the whole proviso of the proposed bill in favour of the Established Church. It contained no confirmation of the King's promises to protect the endowments of the Protestant clergy.

[a] Acts of the Parliaments of Scotland, viii. 242.

[b] State Trials, viii. 843. Woodrow, i. 205. 217.; a narrative full of interest, and obviously written with a careful regard to truth. Laing iv., where the moral feelings of that upright and sagacious historian are conspicuous.

[c] Life of James II., ii. 656., verbatim from the King's memoirs.

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Instead of comprehending, as all wise laws should do, the means of its own execution, it would have facilitated the breach of its own most important enactments. If it had been adopted by the next parliament, another still more compliant would have found it easier, instead of more difficult, to establish the Catholic religion, and abolish toleration. This essential defect was confessed rather than obviated by the impracticable remedies, for it is recommended in a tract, entitled "A New Test[a]," which, for the security of the great charter of religious liberty about to be passed, proposed that every man in the kingdom shall, on obtaining the age of twenty-one, swear to observe it, that no peer or commoner should take his seat in either house of parliament till he had taken the like oath; and that all sheriffs, or others, making false returns, peers or commoners, presuming to sit in either house without taking the oath, or who shall move or mention any thing in or out of parliament that may tend to the violating or altering the liberty of conscience, shall be hanged on a gallows made out of the timber of his own house, which was for that purpose to be demolished.[b] It seems not to have occurred to this writer that the parliament whom he thus proposes to restrain, would begin their operations by repealing his penal laws.

Notwithstanding the preparations made for a parliament, it was not believed, by the most discerning and well-informed, that any determination was yet adopted on the subject. Lord Nottingham early thought that, in case of a general election, "few dissenters would be chosen, and that such as were, would not, *in present circumstances*, concur in the repeal of so much as the penal laws, because to do it might encourage the Papists to greater attempts."[c] Lord Halifax, at a later period, observes, that the moderate Catholics acted reluctantly; that the Court, finding their expectations not

[a] "A New Test instead of the Old One. By G. S." Licensed 24th March, 1688.

[b] The precedent alleged for this provision is the decree of Darius, for rebuilding the temple of Jerusalem:—"And I have made a decree that whoever shall alter this word, let timber be pulled down from his house, and being set up, let him be hanged thereon." Ezra vi. 11.

[c] Lord Nottingham to Prince of Orange, 2d Sept. 1687. App. Dalrymple, book 5.

answered by the Dissenters, they had thoughts of returning to their old friends the High Churchmen; that he thought a meeting of Parliament impracticable, and continued as much an unbeliever for October, as he had before been for April.[a] In private he mentioned, as one of the reasons of his opinion, that some of the courtiers had declined to take up a bet for five hundred pounds, which he had offered, that the Parliament would not meet in October; and that, though they liked him very little, they liked his money as well as any other man's.[b]

Conduct of Sunderland.

The perplexities and variations of the Court were multiplied by the subtle and crooked policy of Sunderland, who, though willing to purchase his continuance in office by unbounded compliance, was yet extremely solicitous, by a succession of various projects and reasonings adapted to the circumstances of each moment, to divert the mind of James as long as possible from a Parliament, or a foreign war; from acts of unusual severity or needless insult to the Constitution; from any of those bold or even decisive measures, of which no man could foresee the consequences to his own power, or to the throne of his sovereign. He had gained every object of ambition: he could only lose by change, and instead of betraying James by violent counsels, he appears to have better consulted his own interest, by offering as prudent advice to that monarch as he could venture without the risk of incurring the royal displeasure. He might lose his greatness by hazarding too good counsel, and he must lose it if his master were ruined. Thus placed between two precipices, and winding his course between them, he could find safety only by sometimes approaching to one, and sometimes going nearer to the other. Another circumstance contributed to augment the seeming inconsistencies of the minister. He was sometimes tempted to deviate from his own path by the pecuniary gratifications which, after the example of Charles and James, he clandestinely received from France; an infamous practice, in that age very prevalent among European statesmen, and regarded by many of them

[a] Lord Halifax to P. of Orange, 12th April, 1688. Ibid.
[b] Johnstone, 27th February, 1688.

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as little more than the receipt of the perquisites of office.[a] It will appear in the sequel that, like his master, he received French money only for doing what he otherwise desired to do, and that it rather induced him to quicken or retard, to enlarge or contract, than substantially to alter his measures. But though he was too prudent to hazard the power which produced all his emolument for a single gratuity, yet this dangerous practice must have multiplied the windings of his course. From these deviations in opposite directions, in some measure arose the fluctuating counsels and varying language of the Government of which he was the chief. The division of the Court into parties, and the variety of tempers and opinions by which he was surrounded, added new difficulties to the game which he played. It was more simple at first; when he coalesced with the Queen and the whole Catholic party, at that time united, and professing moderation as his sole defence against Rochester, the leader of the Protestant Tories. But after the defeat of that party, and the dismissal of their chief, divisions began to show themselves among the victorious Catholics, which gradually widened as the moment of decisive action seemed to approach. It was then[b] that he made an effort to strengthen himself by the revival of the office of lord treasurer in his person; a project in which he endeavoured to engage Father Petré by proposing that Jesuit to be his successor as secretary of state; and in which he obtained the co-operation of Sir Nicholas Butler, a new convert, by suggesting that he should be Chancellor of the Exchequer. The King, however, adhered to his determination that the treasury should be in commission notwithstanding the advice of Butler, and the Queen declined to interfere in a matter where her husband appeared to be resolute. It should seem, from the account of this intrigue by James, that Petré neither discouraged Sunderland in his plan, nor

[a] D'Avaux passim. Lettres de De Witt, iv., containing the letters of De Groot (the son of Grotius) from Sweden. Ellis, History of the Iron Masque for Italian Princes.

[b] "A little before Christmas." Life of James II. ii. 131, 132.; passages quoted from King James's Memoirs, t. 9. p. 213. The King's own memoirs are always deserving of great consideration, and in unmixed cases of fact are, I am willing to hope, generally conclusive The additions of (Mr. Dicconson) the anonymous compiler are often very inaccurate.

supported it by the exercise of his own ascendancy over the mind of the King. In the spring of 1688, they formed three separate and unfriendly parties, whose favour it was not easy for a minister to preserve at the same time. The Catholic nobility and gentry of England continued to the last adverse to those rash courses which honour obliged them apparently to support, but which they had always dreaded as dangerous to their sovereign and their religion. Lord Powis, Lord Bellasis, and Lord Arundel, vainly laboured to inculcate their wise maxims on the mind of James. The remains of the Spanish influence, formerly so powerful among the British Catholics, were employed by the ambassador, Don Pedro Ronquillo, in support of this respectable party. Sunderland, though he began, early after his victory over Rochester, to moderate and temper the royal measures, was afraid of displeasing his impatient master by openly supporting them. The second party, which may be called the Papal, was that of the nuncio, who, in the beginning, considered the Catholic aristocracy as too lukewarm in the cause of religion; but though he continued outwardly to countenance all domestic efforts for the advancement of the faith, became at length more hostile to the connection of James with France, than zealous for the speedy accomplishment of that Prince's ecclesiastical policy in England. To him the Queen seems to have adhered, both from devotion to Rome, and from that habitual apprehension of the displeasure of the House of Austria which an Italian princess naturally entertained towards the masters of Lombardy and Naples.[a] When hostility towards Holland was more openly avowed, and when Louis XIV., no longer content with acquiescence, began to require from England the aid of armaments and threats, if not co-operation in war, Sunderland and the nuncio became more closely united, and both drew nearer to the moderate Catholics. The third division of the Catholics, known by the name

[a] Le Roi à Barillon, $\frac{23 \text{ May,}}{2 \text{ Juin,}}$ 1688. Louis heard of this partiality from his ministers at Madrid and Vienna, and desires Barillon to insinuate to her that neither she nor her husband has any thing to hope from Spain.

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of the French or Jesuit party, supported by Ireland and the clergy, and possessing the personal favour and confidence of the King, considered all delay in the advancement of their religion as dangerous, and were devoted to France as the only ally able and willing to ensure the success of their designs. Emboldened by the pregnancy of the Queen, and by so signal a mark of favour as the introduction of Father Petré into the council,—an act of folly which the moderate Catholics would have resisted, if the secret had not been kept from them till the appointment[a],—they became impatient of Sunderland's evasion and procrastination, especially of his disinclination to hostile demonstrations against Holland, which their agent, Skelton, the British minister at Paris, represented to the French Government, as "a secret opposition to all measures against the interest of the Prince of Orange[b];" and though Barillon acquits the minister of such treachery[c], it should seem that from that moment, he ceased to enjoy the full confidence of the French party. In the beginning of 1688, he prevailed with difficulty on the majority of the council to postpone a Parliament till they should be strengthened by the recall of the English troops from the Dutch service.[d] Two months after, it was proposed to call a Parliament before the delivery of the Queen, in which they would have the advantage of the expectation of a Prince of Wales. The King and the majority of the council declared for this measure; but Sunderland, conformably to his policy of delaying decisive, and perhaps irretrievable steps, resisted it at last with success, on the ground that matters were not ripe, that it required much longer time to prepare the corporation, and that, if the Nonconformists in the Parliament should prove mutinous, an opposition so

[a] Bar. au Roi, Fox MSS. Bonrepaux, ibid. The account of Petré's advancement by Dod, the church historian of the Catholics, is a specimen of the opinion entertained by the secular clergy of the regulars, but especially of the Jesuits.

[b] Le Roi à Barillon, $\frac{1}{11}$ Dec. 1687.

[c] Barillon au Roi, $\frac{26 \text{ Dec. } 1687.}{5 \text{ Jan. } 1688.}$

[d] Id. ibid. Johnst. Jan. $\frac{6}{16}$ 1688. "Sidney believes that Sunderland has prevailed, after a great struggle, to dissuade the council from a war or a parliament."

national would render the employment of any other means more hazardous.[a] In March, Lord Shrewsbury communicated the disunion to the Prince of Orange.[b] Sunderland owed his support to the Queen, who, together with the nuncio, protected him from the attack of Father Petré, who, after a considerable period of increasing estrangement, now declared against him with violence.[c] In the meantime the French Government, which had hitherto affected impartiality in the divisions of the British Catholics, made advances to Petré as he receded from Sunderland. In January, he declared in council, that the King ought to be solicitous only for the friendship of France.[d] The King desired Barillon to convey the assurances of his high esteem for the Jesuit[e], who replied with becoming gratitude; and the ambassador undertook to consider of some more efficacious proof of respect to him, agreeably to the King's commands.[f] Henceforward the power of Sunderland was seen to totter. It was thought that he himself even saw that he could not stand long, even by the friendship of the Queen, since the French ambassador began to trim between him and Petré, and the whole French party leant against him.[g] Petré, through whom he formerly had a hold on the Jesuitical party, became now a formidable rival for power, and was believed to be so infatuated by ambition as to pursue the dignity of cardinal, that he might more easily become prime minister of England.[h] At a later period, Barclay, the celebrated Quaker, boasted of having reconciled Sun-

[a] D'Adda, $\frac{2}{12}$ Mar. 1688. Barill. in Mas. ii. 399. "Il y avaient beaucoup d'intrigues et de cabales de Cour sur cela dirigées contre my Lord Sunderland. La reine le soutient, et il a emporté."

[b] Shrewsbury to the Prince of Orange, 14th Mar. 1688. Dal. App. bk. v. vi.

[c] Van Citters, $\frac{30 \text{ March,}}{9 \text{ April,}}$ 1688.

[d] Barillon au Roi, $\frac{23 \text{ Jan.}}{2 \text{ Feb.}}$ 1688.

[e] Le Roi à Barill. $\frac{9}{19}$ March, 1688.

[f] Barill. au Roi, $\frac{19}{29}$ March, 1688.

[g] Johnstone, 12th March and 2d April, 1688.

[h] Lettre au Roi, 1 Août, 1687, in the Depôt des Affaires Etrangères at Paris, not signed, but probably from Bonrepaux.

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derland to Melfort, which, he trusted, would be the ruin of Petré[a]; and Sunderland told the nuncio that he considered it as the first principle of the King's policy to frame all his measures with a view to their reception by Parliament[b]; a strong proof of aversion to extreme measures, to which it will be presently seen that he adhered in the discussion of the important proceedings then under consideration. A fitter opportunity will present itself hereafter for relating the circumstances in which he demanded a secret gratuity from France, in addition to his pension from that Court of 60,000 livres yearly (2500*l.*); of the skill with which Barillon beat down his demands, and made a bargain less expensive to his Government; and of the address with which Sunderland claimed the bribe for measures on which he had before determined, so that he might seem rather to have obtained it under false pretences, than to have been diverted by it from his own policy. It is impossible to trace clearly the serpentine course of an intriguing minister, whose opinions were at variance with his language, and whose craving passions often led him astray from his interest. But an attempt to discover it is necessary to the illustration of the government of James. In general, it seems to be clear that, from the beginning of 1687, he struggled in secret to moderate the measures of the Government; and that in the spring of 1688, when he carried that system to the utmost, the decay of his power became apparent. As Halifax had lost his office by liberal principles, and Sunderland had outbidden Rochester for the King's favour, so Sunderland himself was now on the eve of being overthrown by the influence of Petré, at a time when no successor of specious pretensions presented himself. He seems to have made one attempt to recover strength, by remodelling the Cabinet Council. For a considerable time the Catholic counsellors had been summoned separately, together with Sunderland himself, on all confidential affairs; while the more ordinary business only was discussed in the presence of the Protestants: thus forming two cabinets; one ostensible, the

[a] Clar. Diary, 23d June, 1688.

[b] D'Adda, $\frac{25\text{ May,}}{4\text{ June,}}$ 1668.

other secret. He now proposed to form them into one, in order to remove the jealousy of the Protestant counsellors, and to encourage them to promote his Majesty's designs. To this united cabinet the affairs of Scotland and Ireland were to be committed, which had been separately administered before with manifest disadvantage to uniformity and good order. Foreign affairs, and others requiring the greatest secrecy, were still to be reserved to a smaller number. The public pretences for this change were specious; but the object was to curb the power of Petré, who now ruled without control in a secret cabal of his own communion and selection.[a] CHAP. VIII. 1688.

The party which had now the undisputed ascendant was denominated Jesuits, as a term of reproach, by the enemies of that famous society in the Church of Rome, as well as among the Protestant communions. A short account of their origin and character may facilitate a faint conception of the admiration, jealousy, fear, and hatred, the profound submission or fierce resistance, which that formidable name once inspired. Their institution originated in pure zeal for religion, glowing in the breast of Loyola, a Spanish soldier; a man full of imagination and sensibility, in a country where wars, rather civil than foreign, waged against unbelievers for ages, had rendered a passion for spreading the Catholic faith a national point of honour, and blended it with the pursuit of glory as well as with the memory of past renown. The legislative forethought of his successors gave form and order to the product of enthusiasm, and bestowed laws and institutions on their society which were admirably fitted to its various ends.[b] Jesuits.

[a] D'Adda, $\frac{13}{23}$ April, 1688.

[b] Larner and Aquaviva. Originally consisting of seven men: it possessed, at the end of the sixteenth century, 1500 colleges, and contained 22,000 avowed members. Parts of their constitution were allowed* to be kept and to be altered, without the privity of the Pope himself. The simple institution of lay brethren, who, in orders, were the servants of the community, being in the hands of the Jesuits, combined with the privilege of secrecy, afforded the means of enlisting in their society powerful individuals, among whom Louis XIV. and James II. are generally numbered.

* By Paul III. Mull. Allg. Book xix. c. 4.

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Having arisen in the age of the Reformation, they naturally became the champions of the Church against her new enemies. Being established in the period of the revival of letters, instead of following the example of the unlettered monks, who decried knowledge as the mother of heresy, they joined in the general movement of mankind; they cultivated polite literature with splendid success; they were the earliest and, perhaps, most extensive reformers of European education, which, in their schools, made a larger stride than it has at any succeeding moment[a]; and, by the just reputation of their learning, as well as by the weapons with which it armed them, they were enabled to carry on a vigorous contest against the most learned impugners of the authority of the Church. Peculiarly subjected to the see of Rome by their constitution, they became ardently devoted to its highest pretensions, in order to maintain a monarchical power, of which they felt the necessity for concert, discipline, and energy in their theological warfare.

While the nations of the Spanish peninsula hastened with barbaric chivalry to spread religion by the sword in the newly explored regions of the East and the West, the Jesuits alone, the great missionaries of that age, either repaired or atoned for the evils caused by the misguided zeal of their countrymen. In India, they suffered martyrdom with heroic constancy.[b] They penetrated through the barrier which Chinese policy opposed to the entrance of strangers; they cultivated the most difficult of languages with

[a] "For education," says Bacon, within fifty years of the institution of the order, "consult the schools of the Jesuits. Nothing hitherto tried in practics surpasses them." De Augment. Scient. lib. vi. c. 4.

"Education—that excellent part of ancient discipline, has been, in some sorts, revived of late times in the colleges of the Jesuits, of whom, in regard of this and of some other points of human learning and moral matters, I may say, "Talis cum sis utinam noster esses." Advancement of Learning, book i.

Such is the disinterested testimony of the wisest of men to the merit of the Jesuits, to the unspeakable importance of reforming education, and to the infatuation of those who, in civilized nations, attempt to resist new opinions by mere power, without calling in aid such a show of reason, if not the whole substance of reason, as cannot be maintained without a part of the substance.

[b] Lettres Edifiantes et Curieuses.

such success as to compose hundreds of volumes in it; and, by the public utility of their scientific acquirements, they obtained toleration, patronage, and personal honours, from that jealous government: and the natives of America, who generally felt the superiority of the European race only in a more rapid or a more gradual destruction, and to whom even the excellent Quakers dealt out little more than penurious justice, were, under the paternal rule of the Jesuits, reclaimed from savage manners, and instructed in the arts and duties of civil life. At the opposite point of society they were fitted by their release from conventual life, and their allowed intercourse with the world, for the perilous office of secretly guiding the conscience of princes. They maintain the highest station as a religious body in the literature of Catholic countries. No other association ever sent forth so many disciples who reached such eminence in departments so various and unlike. While some of their number ruled the royal penitents at Versailles or the Escurial, others were teaching the use of the spade and the shuttle to the naked savages of Paraguay; a third body daily endangered their lives in an attempt to convert the Hindoos to Christianity; a fourth carried on the controversy against the Reformers; a portion were at liberty to cultivate polite literature, and the greater part continued to be employed either in carrying on the education of Catholic Europe, of which they were the first improvers, or in the government of their society, in ascertaining the ability and disposition of the junior members, so that well-qualified men might be selected for the extraordinary variety of offices in their immense commonwealth. The most famous constitutionalists, the most skilful casuists, the ablest schoolmasters, the most celebrated professors, the best teachers of the humblest mechanical arts, the missionaries who could most bravely encounter martyrdom, or who with most patient skill could infuse the rudiments of religion into the minds of ignorant tribes or prejudiced nations, were the growth of their fertile schools. The prosperous administration of such a society for two centuries, is probably the strongest proof afforded from authentic history that an artificially-formed system

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of government and education is capable, under some circumstances, of accomplishing greater things than the general experience of it would warrant us in expecting from it. Even here, however, the materials were supplied, and the first impulse given by enthusiasm; and in this memorable instance the defects of such a system are discoverable. The whole ability of the members being constantly exclusively and intensely directed to the various purposes of the order, the mind of the Jesuits had not the leisure or liberty necessary for works of genius, or even for discoveries in science, to say nothing of original speculations in philosophy, which are interdicted by implicit faith. That great society, which covered the world for two hundred years, has no names which can be opposed to those of Pascal and Racine, produced by the single community of Port Royal, which was in a state of persecution during the greater part of its short existence. But this remarkable peculiarity amounts perhaps to little more than that they were more eminent in active than in contemplative life. A far more serious objection is the manifest tendency of such a system, while it produces the precise excellences aimed at by its mode of cultivation, to raise up all the neighbouring evils with a certainty and abundance, a size and malignity unknown to the freer growth of nature. The mind is narrowed by the constant concentration of the understanding; those who are habitually intent on one object learn at last to pursue it at the expense of others equally or more important. The Jesuits, the reformers of education, sought to engross it, as well as to stop it at their own point. Placed in the front of the battle against the Protestants, they caught a more than ordinary portion of that theological hatred against their opponents which so naturally springs up where the greatness of the community, the fame of the controversialist, and the salvation of mankind seem to be at stake. Affecting more independence in their missions than other religious orders, they were the formidable enemies of episcopal jurisdiction, and thus armed against themselves the secular clergy, especially in Great Britain, where they were the chief missionaries. Entrusted with the irresponsible guidance of kings,

they were too often betrayed into a compliant morality; excused probably to themselves, by the great public benefits which they might thus obtain by the numerous temptations which seemed to palliate royal vices, and by the real difficulties of determining, in many instances, whether there was more danger of deterring such persons from virtue by unreasonable austerity, or of alluring them into vice by unbecoming relaxation. This difficulty is indeed so great, that casuistry has, in general, vibrated between these extremes, rather than rested near the centre. To exalt the papal power they revived the scholastic doctrine[a] of the popular origin of government, that rulers might be subject to the people, while the people themselves, on all questions so difficult as those which relate to the limits of obedience, were to listen with reverential submission to the judgment of the sovereign Pontiff, the common pastor of sovereigns and subjects, the unerring oracle of humble Christians in all cases of perplexed conscience.[b] The ancient practice of excommunication, which, in its original principle, was no more than the expulsion from a community of an individual who did not observe its rules, being stretched so far as to interdict intercourse with offenders, and, by consequence, to suspend duty towards them, became, in the middle age, the means of absolving nations from obedience to excommunicated sovereigns.[c] Under these specious colours both Popes and councils had been guilty of alarming encroachments on the civil authority. The church had indeed never solemnly adopted the principle of these usurpations into her rule of faith or of life, though many famous doctors gave them a dangerous continuance. She had not condemned or even

[a] Mariana de Rege et Regis Institutione (sive, mutato titulo, Interfectione), as his enemies suggested. It is true that Mariana only contends for the right of the people to depose sovereigns, without building the authority of the Pope on that principle, as the schoolmen have expressly done; but his manifest approbation of the assassination of Henry III. by Clement, a fanatical partizan of the league, sufficiently discloses his purpose.

[b] La Mennais, La Religion considerée dans ses Rapports avec l'Ordre politique. Paris, 1826.

[c] Fleury, Discours sur l'Histoire Ecclésiastique; "On doit éviter les excommuniés, n'avoir aucun commerce avec eux. Donc un Prince excommunié doit être évité de tout le monde. Il n'est plus permis de recevoir ses ordres." Disc. iii. s. 18.

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disavowed those equally celebrated divines who resisted them, and though the Court of Rome undoubtedly patronised opinions so favourable to its power, the Catholic church, which had never pronounced a collective judgment on them, was still at liberty to disclaim them, without abandoning her haughty claim of exemption from fundamental error.[a] On the Jesuits, as the most staunch of the polemics[b] who struggled to exalt the church above the state, and who ascribed to the Supreme Pontiff an absolute power over the church, the odium of these doctrines principally fell. Among reformed nations, and especially in Great Britain, the greatest of them, the whole order was regarded as incendiaries perpetually plotting the overthrow of Protestant Governments, and as immoral sophists who employed their subtle casuistry to silence the remains of conscience in tyrants of their own persuasion. Nor was the detestation of Protestants rewarded by general popularity in Catholic countries. All other regulars envied their greatness; the universities dreaded their acquiring a monopoly of education. Monarchs, the most zealously Catholic, though they often favoured individual Jesuits, often also looked with fear and hatred on a society who would reduce them to the condition of vassals of the priesthood; and in France, the magistrates, who preserved their integrity and dignity in the midst of general servility, maintained a more constant conflict with these formidable adversaries of the independence of the state and the church. The kings of Spain and Portugal envied their well-earned authority, in the missions of Paraguay and California, over districts which they had conquered from the wilderness. The impenetrable mystery in which a part of their constitution was enveloped, though it strengthened their association, and secured the obedience of its members, was an irresistible temptation to abuse power, and

[a] "Il est vrai que Gregoire VII. n'a jamais fait aucune décision sur ce point. *Dieu ne l'a pas permis.*" Id. ibid. It is evident that if such a determination had, in Fleury's opinion, subsequently been pronounced by the church, the last words of this passage would have been unreasonable.

[b] Bayle, in the article Bellarmine, who is said by that unsuspected judge to have had the best pen for controversy of any man of that age.

justified the apprehensions of temporal sovereigns, while it opened an unbounded scope for heinous accusations. Even in the eighteenth century, when many of their peculiarities had become faint, and they were perhaps little more than the most accomplished, opulent, and powerful of religious orders, they were charged[a] with spreading secret confraternities over France. Their greatness became early so invidious as to be an obstacle to the advancement of their members; and it was generally believed that if Bellarmine had belonged to any other than the most powerful order in Christendom, he would have been raised to the chair of Peter.[b] The Court of Rome itself, for whom they had sacrificed all, dreaded auxiliaries who were so potent that they might easily become masters. These champions of the Papal monarchy were regarded with jealousy by Popes whose policy they aspired to dictate or control. Temporary circumstances at this time created a more than ordinary alienation between the Jesuits and the Roman Court. They, in their original character of a force raised for the defence of the church against the Lutherans, always devoted themselves to the temporal sovereign who was at the head of the Catholic party; they were attached to Philip II., at the time when Sextus V. dreaded his success; and they now placed their hopes on Louis XIV., in spite of his patronage, for a time, of the independent maxims of the Gallican church.[c] On the other hand, Odeschalchi, who governed the church under the name of Innocent XI., feared the growing power of France, resented the independence of the Gallican church, and was, to the last degree, exasperated by the insults offered to him in his capital by the command of Louis. He was born in the Spanish province of Lombardy, and, as an Italian sovereign, he could not be indifferent to the bombardment of

[a] Montlosier, Mémoire à Consulter, 20. 22. Paris, 1826; quoted only to prove that such accusations were made.

[b] Bayle in Bellarmine.

[c] Bayle, Nouvelles de la République des Lettres, April, 1686. "Aujourd'hui plus attachés à la France qu'à l'Espagne." Ib. Nov. 1686; and they are charged with giving secret intelligence to Louis XIV. of the state of the Spanish Netherlands. The French Jesuits suspended for a year the execution of the Pope's order to remove Father Maimbourg from their society, in consequence of a direction from the King.

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Genoa, and to the humiliation of that respectable republic, by requiring a public submission from the Doge at Versailles. As soon then as James became the pensioner and creature of Louis, the resentments of Odeschalchi prevailed over his zeal for the extension of the church.

The Jesuits had treated himself and those of his predecessors who hesitated between them and their opponents with offensive liberty.[a] While they bore sway at Versailles and St. James's, they were, on that account, less obnoxious to the Roman Court. Men of wit remarked at Paris, that things would never go well till the Pope became a Catholic, and King James a Huguenot.[b] Such were the intricate and dark combinations of opinions, passions, and interests which placed the nuncio in opposition to the most potent order of the church, and completed the alienation of the British nation from James, by bringing on the party which now ruled his councils the odious and terrible name of Jesuits.

[a] Bayle, Nouv., Oct. and Nov. 1686.

[b] "Et tout le parti Protestant,
Du Saint Père en vain très content,
Le chevalier de Sillery,
En parlant de ce Pape ci,
Souhaitoit pour la paix publique,
Qu'il se fut rendu catholique,
Et le roi Jacque Huguenot." LA FONTAINE.

Racine expresses the same sentiments in a milder form:—

"Et l'enfer couvrant tout de ses vapeurs funèbres,
Sur les yeux les plus saints a jetté les ténèbres."

PROLOGUE D'ESTHER.

CHAP. IX.

DECLARATION OF INDULGENCE RENEWED. — ORDER THAT IT SHOULD BE READ IN CHURCHES. — DELIBERATIONS OF THE CLERGY. — PETITION OF THE BISHOPS TO THE KING. — THEIR EXAMINATION BEFORE THE PRIVY COUNCIL, COMMITTAL, TRIAL, AND ACQUITTAL. — REFLECTIONS. — CONVERSION OF SUNDERLAND. — BIRTH OF THE PRINCE OF WALES. — STATE OF AFFAIRS.

When the changes in the secret councils of the King had rendered them most irreconcileable to the national sentiments, and when the general discontent produced by progressive encroachment had quietly grown into disaffection, nothing was wanting to the least unfortunate result of such an alienation, but that an infatuated government should exhibit to the public thus disposed one of those tragic spectacles of justice violated, of religion menaced, of innocence oppressed, of unarmed dignity outraged, with all the conspicuous solemnities of abused law, in the persons of men of exalted rank and venerated functions, who encounter wrongs and indignities with mild intrepidity. Such scenes, performed before a whole nation, revealed to each man the hidden thoughts of his fellow citizens; add the warmth of personal feeling to the strength of public principle, animated patriotism by the pity and indignation which the sufferings of good men call forth, and warm every heart by the reflection of the same passions from the hearts of thousands; until at length the enthusiasm of a nation, springing up in the bosoms of the generous and brave, breathed a momentary spirit into the most vulgar souls, and drags into its service the herd of the selfish, the cold, the mean, and the cowardly. The combustibles were accumulated; a spark was only wanting to kindle the flame. Accidents in themselves trivial, seem on this occasion, as in other times and countries, to have filled up the

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measure of provocation. In such a government as that of James, formed of adverse parties, more intent on weakening or supplanting each other than on securing the common foundation; every measure was too much estimated by its bearing on these unavowed objects, to allow a calm consideration of its effect on the interest or even on the temper of the public. On the 27th of April, the King republished his declaration of the former year for liberty of conscience[a]: a measure apparently insignificant[b]; which was probably proposed by Sunderland, to indulge his master in a harmless show of firmness, which might divert him from rasher councils.[c] To this declaration a supplement was annexed, declaring, that the King was confirmed in his purpose by the numerous addresses which assured him of the national concurrence; that he had removed all civil and military officers who had refused to co-operate with him; and that he trusted that the people would do their part, by the choice of fit members to serve in parliament, which he was resolved to assemble in November "at farthest." This last, and only important part of the proclamation, was promoted by the contending parties in the cabinet with opposite intentions. The moderate Catholics, and Penn, whose fault was only an unseasonable zeal for a noble principle, desired a parliament from a hope, that if the convocation were not too long delayed, it might produce a compromise, in which the King might for the time be contented with an universal toleration of worship. The Jesuitical party desired a parliament also; but it was because they hoped that it would produce a final rupture, and a recurrence to those more vigorous means which the age of the King now required, and of which the expected birth of a Prince of Wales would warrant the safety.[d] Sunderland acquiesced in the insertion of this pledge, because he

Declaration of indulgence renewed.

[a] London Gazette, 26th—30th April, 1688.

[b] "The declaration, so long spoken of, is published. As nothing is said more than last year, politicians cannot understand the reason of so ill-timed a measure." Van Citters, $\frac{1}{11}$ May. (Secret Dispatch.)

[c] Barillon, $\frac{25 \text{ April,}}{6 \text{ May.}}$

[d] Burnet, iii. 211.

hoped to keep the violent in check by the fear of the parliament, and partly, also, because he by no means had determined to redeem the pledge. "This language is held," said he to Barillon (who was alarmed at the sound of a parliament,) "rather to show, that parliament will not meet for six months, than that it will be then assembled, which must depend on the public temper at that time."[a] For so far, it seems, did this ingenious statesman carry his system of liberal interpretation, as to employ words in the directly opposite sense to that in which they were understood, and to say that November should be the latest time for the meeting of parliament, when he meant that it should be the earliest. So jarring were the motives from which this Declaration proceeded, and so opposite the constructions of which its authors represented it to be capable. Had no other step, however, been taken but the publication, it is not probable that it would have been attended by serious consequences. But in a week after, an order was made by the King in council, commanding the Declaration to be read at the usual time of divine service, in all the churches in London on the 20th and 27th of May, and in all those in the country on the 3rd and 10th of June.[b] Who was the adviser of this order, which has acquired such importance from its immediate effects, has not yet been ascertained. It was publicly disclaimed by Sunderland[c], but at a time which would have left no value to his declaration, but what it might derive from being uncontradicted, and agreeable to the general tenor of his policy. It now appears, however, that he and other counsellors disavowed it at the time; and they seem to have been believed by keen and watchful observers.[d] Though it was then rumoured that Petre had also disavowed this fatal advice, the concurrent testimony of all contemporary historians ascribe it

Order that it should be read in churches.

[a] Barillon, $\frac{3}{13}$ May.

[b] Order issued 4th May, 1688. Lond. Gaz. 3d—7th May, 1688.

[c] Letter from the Hague, 28th Mar. 1689.

[d] Johnstone, 23d May, 1688. "Sunderland, Melfort, Penn, and, *they say*, Petrè, deny having advised this Declaration;" but Van Citters, $\frac{4 \text{ June,}}{25 \text{ May,}}$ says that Petrè is believed to have advised the order.

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to him, and it accords well with the policy of that party, which received in some degree from his ascendant over them the unpopular appellation of Jesuits. It must be owned, indeed, that it is one of the numerous cases in which the evil effects of an imprudent measure proved far greater than any foresight could have apprehended. There was considerable reason for expecting submission from the Church. The clergy had very recently obeyed a similar order in two obnoxious instances. In compliance with an order made in council by Charles II., officiously suggested to him, it is said, by Sancroft himself[a], they read from their pulpits that prince's apology for the dissolution of his two last parliaments; severally arraigning various parliamentary proceedings, amongst which was a resolution of the House of Commons against the persecution of the Protestant Dissenters.[b] The compliance of the clergy on this occasion was cheerful, though they gave offence by it to many of the people.[c] Now, this seemed to be an open interference of the ecclesiastical order in the fiercest contests of political parties, which the duty of undistinguishing obedience alone could warrant.[d] The same principle appeared still more necessary to justify their reading the declaration of Charles on the Rye House Plot[e], published within a week of the death of Lord Russell, where it was indecent for the ministers of religion to promulgate their approval of bloodshed, and unjust to inflame prejudice against those who remained to be tried. This declaration was immediately preceded by the famous decree of the university of Oxford, and followed by a persecution of Nonconformists, on whom it reflected as the authors of the supposed conspiracy.[f] These examples of compliance appeared to be grounded on the un-

[a] Burnet, iii. 212.

[b] London Gazette, 7th—11th April, 1681.

[c] Kennett, iii. 388. Echard, iii. 625.

[d] It was accompanied by a letter from the King to Sancroft, which seems to imply a previous usage in such cases. "Our will is, that you give such directions as have been usual in such cases for the reading of our said Declaration." Kennett, iii. 388. Note from Lambeth MSS. D'Oyley's Sancroft, i. 253. "Now," says Ralph, "the cry of Church and King was echoed from one side of the kingdom to the other." Ralph, i. 590. Immediately after began the periodical libels of L'Estrange, and the invectives against parliament, under the form of loyal addresses.

[e] Lond. Gaz. 2d—6th August, 1683. Kennett, iii. 408. Echard, iii. 695.

[f] This fact is reluctantly admitted by Roger North. Examin. 369.

defined authority claimed by the King, as supreme ordinary, on judicial determinations, which recognised his right in that character to make ordinaries for the outward rule of the church[a], and by the Rubric of the Book of Common Prayer, (declared, by the Act of Uniformity[b] to be a part of that statute), which directs, "that nothing shall be published in church by the minister, but what is prescribed by this book, or enjoined by the King." These reasonings and examples were at least sufficient to excuse the confidence with which some of the royal advisers anticipated the obedience either of the whole church, or of so large a majority as to make it safe and easy to punish the disobedient. A variation from the precedents of a seemingly slight and formal nature seems to have had some effect on the success of the measure. The bishops were now, for the first time, commanded by the order published in the Gazette to distribute the Declaration in their dioceses, in order to be read by the clergy. Whether the insertion of this unusual clause was casual, or intended to humble the bishops, it is now difficult to conjecture. It was naturally received and represented in the most offensive sense.[c] It fixed the eyes of the whole nation on the prelates. It rendered the conduct of their clergy visibly dependent solely on their determination, and thus concentrated, on a small number, the dishonour of submission which would have been lost by dispersion among the whole body. So strongly did the belief that insult was intended prevail, that Petre, to whom it was chiefly ascribed, was said to have declared it in the gross and contumelious language used of old, by a barbarous invader, to the deputies of a besieged city.[d] But though the menace be imputed to him by most of his contemporaries[e], yet, as they were all his

[a] Cro. Jac. 37. Moor. 735. [b] 14 Car. II. chap. 4.

[c] Van Citters, 15th—25th May. One of the objections was, that the order was not transmitted in the usual and less ostentatious manner, through the Primate, as in 1681.

[d] "That they should eat their own dung," the words of Rabshekah, the Assyrian general, to the officers of Hezekiah, king of Judah. 2 Kings, xviii.

[e] Burnet, Kennett, Echard, Oldmixon, Ralph; and the earliest printed statement of this threat is probably in a pamphlet, called, "An Answer from a Country Clergyman to the Letter of his Brother in the City" (Dr. Sherlock), which must have been published in June, 1688. Baldwin's Farther State Tracts, 314. Lond. 1692.

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enemies, and as no ear-witness is quoted, we must be content to be doubtful whether he uttered the offensive words, or was only so generally imprudent as to make it easily believed that they were spoken by him. The first effect of this order was to place the prelates who were then in the capital or the neighbourhood in a situation of no small perplexity. They were not forewarned of the blow by the Declaration. They must have been still more taken by surprise than the moderate ministers, and, in that age of slow conveyance and rare publication, they were allowed only sixteen days from the order, and thirteen from its official publication[a], to ascertain the sentiments of their brethren and of their clergy, without the knowledge of which their determination, whatever it was, might promote that division which it was one of the main objects of their enemies, by this measure, to excite. Resistance could be formidable only if it were general. It is one of the severest tests of human sagacity to call for instantaneous judgment from a few leaders when they have not support enough to be assured of the majority of their adherents; and had the bishops taken a single step without concert, they would have been assailed by charges of a pretension to dictatorship, equally likely to provoke the proud to desertion, and to furnish the cowardly with a pretext for it. Their difficulties were increased by the character of the most distinguished laymen whom it was fit to consult. Rochester was no longer trusted. Clarendon was zealous, but of small judgment. Both Nottingham, the chief of their party, and Halifax, with whom they were now compelled to coalesce, hesitated at the moment of decision.[b] The first body whose judgment was to be ascertained was the clergy of London, among whom were, at that time, the lights and ornaments of the Church. They at first ventured only to converse and correspond privately with each other.[c] A meeting

[a] London Gaz., published on 7th April.

[b] "Halifax and Nottingham wavered at first, which had almost ruined the business." Johnstone, 27th May.

[c] Van Citters, $\frac{18}{28}$ May. (Secret Despatch.)

Deliberations of the clergy.

became necessary, and was hazarded. A diversity of opinions prevailed. It was urged on one side that a refusal was inconsistent with the professions and practice of the Church; that it would provoke the King to desperate extremities, expose the country to civil confusions, and be represented to the Dissenters as a proof of the incorrigible intolerance of the establishment: that the reading of a proclamation implied no assent to its contents, and that it would be presumption in the clergy to pronounce a judgment against the legality of the dispensing power, which the competent tribunal had already adjudged to be lawful. Those of better spirit answered, or might have answered, that the danger of former examples of obsequiousness was now so visible that they were to be considered as warnings rather than precedents; that compliance would bring on them command after command, till at last another religion was established; that the reading, unnecessary for the purpose of publication, would be understood as an approval of the Declaration by the contrivers of the order, and by the body of the people; that the parliamentary condemnations of the dispensing power were a sufficient reason to excuse them from a doubtful and hazardous act; that neither conscience nor the more worldly principle of honour would suffer them to dig the grave of the Protestant church, and to desert the cause of the nobility, the gentry, and the whole nation. Finally, that in the most unfavourable event, it was better to fall then under the King's displeasure, but supported by the consolation of having fearlessly performed their duty, than to fall a little later unpitied and despised, amidst the curses of the people whom they had ruined by their compliance. From such a fall they would rise no more.[a] One of those middle courses was suggested which is very apt to captivate a perplexed assembly. It was proposed to gain time, and smooth a way to compromise, by entreating the King to revert to the ancient methods of communicating his commands to the Church. The

[a] Sherlock's "Letter from a Gentleman in the City to a Friend in the Country." Baldwin's Farther State Tracts, 309.

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majority appeared at first to lean towards submission or evasion, which was only disguised and deferred submission. Happily, a decisive answer was produced to the most plausible argument of the compliant party. Some of the chief ministers and laymen among the Nonconformists earnestly besought the clergy not to judge them by a handful of their number who had been gained by the Court; but to be assured that, instead of being alienated from the Church, they would be drawn closer to her, by her making a stand for religion and liberty.[a] A clergyman present read a note of these generous declarations, which he was authorised by the Nonconformists to exhibit to the meeting. The independent portion of the clergy made up, by zeal and activity, for their inferiority in numbers. Fatal concession, however, seemed to be at hand, when the spirit of an individual, manifested at a critical moment, contributed to rescue his order from disgrace, and his country from slavery. This person, whose fortunate virtue has hitherto remained unknown, was Dr. Edward Fowler, then incumbent of a parish in London, who, originally bred a dissenter, had been slow to conform at the Restoration, was accused of the crime of whiggism[b] at so dangerous a period as that of Monmouth's riot; and, having been promoted to the see of Gloucester, combined so much charity with his unsuspected orthodoxy as to receive the last breath of Firmin, the most celebrated Unitarian of that period.[c] When he perceived that the courage of his brethren faltered, he addressed them shortly: "I must be plain. There has been argument enough. More only will heat us. Let every man now say Yea or Nay. I shall be sorry to give occasion to schism, but I cannot in conscience read the Declaration; for that reading would be an exhortation to my people to obey commands which I deem unlawful." Stillingfleet declared, on the authority of lawyers, that reading the Declaration would be an offence, as the publication of an unlawful document. He excused himself from being the first subscriber to an agreement not to comply, on the ground that he was already pro-

[a] Johnstone, 18th May.

[b] Athen. Oxon., ii. 1029.

[c] Birch, Life of Tillotson, 320.

scribed for the prominent part which he had taken in the controversy against the Romanists. Patrick offered to be the first, if any man would second him, and Fowler answered to the appeal which his own generosity had called forth.[a] They were supported by Tillotson, though only recovering from an attack of apoplexy, and by Sherlock, who then atoned for the slavish doctrines of former times. The opposite party were subdued by this firmness, and declared that they would not divide the Church.[b] The sentiments of more than fourscore of the London clergy[c] were made known to the metropolitan; and at a meeting at Lambeth, on Saturday, the 12th of May, where there were present, besides Sancroft himself, only the Earl of Clarendon, three bishops, Compton, Turner, and White, together with Tennyson, it was resolved not to read the Declaration; to petition the King that he would dispense with that act of obedience, and to entreat all the prelates within reach of London, to repair thither to the aid of their brethren.[d] It was fit to wait a short time for the concurrence of these absent bishops. Lloyd of St. Asaph, late of Chichester, Kenn of Bath and Wells, and Trelawney, quickly complied with the summons; and were present at another and more decisive meeting at the archiepiscopal palace on Friday, the eighteenth of the same month, where, with the assent of Tillotson, Stillingfleet, Patrick, Tennyson, Grove, and Sherlock, it was resolved, that a petition, prepared and written by Sancroft, should be forthwith presented to His Majesty. It is a calumny against the memory of these prelates to assert, that they postponed their determination till within two days of the Sunday appointed for reading the Declaration, in order to deprive the King of time to retire from his purpose with dignity or decency; for we have seen that the period since the publication of the order was fully occupied by measures for concert and co-operation, and it would have been treachery to the Church and the

Petition to the King.

[a] Kennett, iii. 570., note. This narrative reconciles Johnstone, Van Citters, and Kennett.

[b] Johnstone, 23d May.

[c] This victory was early communicated to the Dutch ambassador. Van. Citt. $\frac{15}{25}$ May.

[d] Clarendon. Diary, 12th May.

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kingdom to have sacrificed any portion of time so employed for the relief of their most formidable enemy.[a] The petition, after setting forth, that "their averseness to read the King's Declaration arose neither from want of the duty and obedience which the Church of England had always practised, nor from want of tenderness to Dissenters, to whom they were willing to come to such a temper as might be thought fit in parliament and convocation, but because it is founded in a dispensing power declared illegal in parliament; and that they could not in prudence or conscience make themselves so far parties to it as the publication of it in the Church at the time of divine service must amount to in common and reasonable construction," concludes, by "humbly and earnestly beseeching his Majesty not to insist on their distributing and reading the said Declaration." It is easy to observe the skill with which the petition distinguished the case from the two recent examples of submission, in which the royal declarations, however objectionable, contained no matter of questionable legality. Compton, being suspended, did not subscribe the petition; Sancroft, having had the honour to be forbidden the Court nearly two years, took no part in presenting it. It was not thought proper that the private divines, who were the most distinguished members of the meeting, should attend the presentation. That there might be no needless delay, six bishops proceeded to Whitehall about ten o'clock in the evening,—no unusual hour of audience at the accessible courts of Charles and James. They were remarked, as they came from the landing-place, by the watchful eyes of the

[a] Life of James II., ii. 158. But this is the statement, not of the King, but of Mr. Dicconson the compiler, who might have been misled by the angry traditions of his exiled friends. A week is added to the delay, by referring the commencement of it to the Declaration of the 27th of April, instead of the order of the 4th of May, which alone called on the bishops to deliberate. The same suppression is practised, and the same calumny insinuated, in "An Answer to the Bishops' Petition," published at the time. Somers' Tracts, ix. 119. In the extract made, either by Carte or Macpherson, an insinuation against the bishops is substituted for the bold charge made by Dicconson. "The bishops' petition on the 18th of May, against what they are to read on the 20th." (Macph. Original Papers, i. 151.) But as throughout that inaccurate publication no distinction is made between what was written by James and what was added by his biographer, the disgrace of the calumnious insinuation is unjustly thrown on the King's memory.

Dutch ambassador[a], who was not uninformed of their errand. They stopped at the house of Lord Dartmouth, till Lloyd of St. Asaph, the boldest of their number, should ascertain when and where the King would receive them. He requested Lord Sunderland to read the petition, and to acquaint the King with its contents, that his Majesty might not be surprised at it. The wary minister declined, but informed the King of the attendance of the bishops, who were introduced into the bedchamber.[b] When they had knelt down before the monarch, St. Asaph presented the petition, purporting to be that "of the Archbishop of Canterbury, with divers suffragan bishops of his province, in behalf of themselves and several of their absent brethren, and of the clergy of their respective dioceses." The King, having been told by the Bishop of Chester, that they would desire no more than a recurrence to the former practice of sending declarations to chancellors and archdeacons[c], desired them to rise, received them at first graciously, and on opening the petition, said, "This is my Lord of Canterbury's handwriting;" but when he read it over, and after he had folded it up, he spoke to them in another tone.[d] "This is a great surprise to me. Here are strange words. I did not expect this from you. This is a standard of rebellion." St. Asaph replied, "We have adventured our lives for your Majesty, and would lose the last drop of our blood rather than lift up a finger against you." The King.—"I tell you this is a standard of rebellion. I never saw such an address." Trelawney of Bristol, falling again on his knees, said, "Rebellion, Sir! I beseech your Majesty

[a] Van Citters, $\frac{18}{28}$ May.

[b] Original Narrative in Sancr. MSS., published by Gutch, Collect. Curios. i. 335. 1 Hen. E. of Clar. State Papers, 287., and D'Oyley's Sancroft, i. 263.

[c] Burnet, iii. 216.

[d] "S. M. rispose loro con ardezza." D'Adda, $\frac{20}{30}$ May; or, as the same circumstance was viewed by another through a different medium,—"The King answered very disdainfully, and with the utmost anger." Van. Citt. $\frac{22 \text{ May,}}{1 \text{ June.}}$ The mild Evelyn says, "the King was so incensed, that, with threatening language, he commanded them to obey at their peril." Diary, 18th May.

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not to say any thing so hard of us. For God's sake, do not believe we are or can be guilty of rebellion." It deserves remark, that the two who uttered these loud and vehement protestations were the only prelates present who were conscious of having harboured projects of more decisive resistance. The Bishops of Chichester and Ely made professions of unshaken loyalty, which they afterwards exemplified. The Bishop of Bath and Wells pathetically and justly said, "Sir, I hope you will give that liberty to us, which you allow to all mankind." He piously added, "We will honour the King, but fear God." James answered at various times, "It tends to rebellion. Is this what I have deserved from the Church of England? I will remember you who have signed this paper. I will keep this paper. I will not part with it. I did not expect this from you, especially from some of you. I will be obeyed." Ken, in the spirit of a martyr, answered only with a humble voice, "God's will be done." The angry monarch called out, "What's that?" The bishop, and one of his brethren, repeated what had been said. James dismissed them with the same unseemly, unprovoked, and incoherent language. "If I think fit to alter my mind, I will send to you. God has given me this dispensing power, and I will maintain it. I tell you, there are seven thousand men, and of the Church of England too, that have not bowed the knee to Baal." Next morning, when on his way to chapel, he said to the Bishop of St. David's, "My Lord, your brethren presented to me, yesterday, the most seditious paper that ever was penned. It is a trumpet of rebellion." He frequently repeated what Lord Halifax said to him. "Your father suffered for the Church, not the Church for him."[a] The petition was printed and circulated in the night, certainly not by the bishops, who delivered to the King their only copy, written in the hand of Sancroft, for the express purpose of preventing publication; probably, therefore, by some attendant of the Court, for lucre or from

[a] Van Citters, $\frac{22 \text{ May,}}{1 \text{ June.}}$

disaffection. In a few days, six bishops[a] declared their concurrence in the petition; and the Bishop of Carlisle agreed to its contents, lamenting that he could not subscribe it, because his diocese was not in the province of Canterbury.[b] Two other bishops agreed to the measure of not reading.[c] The archbishopric of York had now been kept vacant for Petre more than two years. The vacancy which delivered the diocese of Oxford from Parker had not yet been filled up. Lloyd of Bangor, who died a few months afterwards, was probably prevented by age and infirmities from taking any part in this transaction. The see of Lichfield, though not vacant, was deserted by Wood, who, having been appointed by the Duchess of Cleveland, in consequence of his bestowing his niece, a rich heiress, to whom he was guardian, on one of her sons[d], openly and perpetually abandoned his diocese; for which he was suspended by Sancroft, and restored on submission; but continued to reside at Hackney, without professing to discharge any duty, till his death. Sprat, who would have honoured the episcopal dignity by his talents, if he had not earned it by a prostitution of them[e]; Cartwright, who had already approved himself the ready instrument of lawless power against his brethren; Crew, whose servility was rendered more conspicuously disgraceful by birth and wealth; Watson, who, after a long train of offences, was at length deprived of his see; together with Croft, in extreme old age; and Barlow, who had fallen into second childhood; were, since the death of Parker, the only faithless members of an episcopal body, which in its then incomplete state amounted to twenty-two. On Sunday, the 20th of May, the first day appointed for reading the Declaration in London, the order was generally disobeyed; though the administration of the diocese during the suspension of the bishop was placed in the perfidious hands of Sprat and Crew. Out of a hundred, the supposed number of the London

[a] London, Norwich, Gloucester, Salisbury, Winchester, and Exeter. D'Oyley's Sancroft. i. 269.

[b] Gutch, i. 334.

[c] Llandaff and Worcester. Gutch, i. 331.

[d] Kennett, in Lansdown MSS. in the British Museum. D'Oyley's Sancroft, i. 193.

[e] Narrative of the Rye House Plot.

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clergy at that time, seven were the utmost who are, by the largest account, charged with submission.[a] Sprat himself chose to officiate as dean in Westminster Abbey; where, as soon as he gave orders for reading the Declaration, so great a murmur arose that nobody could hear it; but, before it was finished, no one was left in the church but a few prebendaries, the choristers, and the Westminster scholars. He, himself, could hardly hold the proclamation in his hands for trembling.[b] Even in the chapel at Whitehall, it was read by a chorister.[c] At Serjeants' Inn, the Chief Justice desiring that it should be read, the clerk said that he had forgotten it.[d] The names of four complying clergymen only are preserved,—Elliott, Martin, Thomson, and Hall; who, obscure as they were, may be enumerated as specimens of so rare a vice as the sinister courage which, for base ends, can brave the most generous feelings of all the spectators of their conduct. The temptation on this occasion seems to have been the bishopric of Oxford; in the pursuit of which, Hall, who had been engaged in negotiations with the Duchess of Portsmouth for the purchase of Hampden's pardon[e], by such connections and services prevailed over his competitors. On the following Sunday the disobedience was equally general; and the new reader at the Chapel Royal was so agitated as to be unable to read the Declaration audibly.[f] In general, the clergy of the country displayed the same spirit. In the dioceses of the faithful bishops, the example of the diocesan was almost universally followed; in that of Norwich, which contains twelve hundred parishes, the Declaration was not read by more than three or four.[g] In Durham, on the other side, Crew found so great a number of his poor clergy more independent than a vast revenue could render himself, that he suspended many for disobe-

[a] "La lettura non se essequi che in pochissimi luoghi." D'Adda, $\frac{20}{30}$ May. Clarendon states the number to be four; Kennett and Burnet, seven. Perhaps the smaller number refers to parochial clergy, and the larger to those of every denomination.

[b] Burnet, iii. 218., note by Lord Dartmouth, then present as a Westminster scholar.

[c] Evelyn, 20th May.

[d] Van Citters.

[e] Lords' Journals, 19th Dec. 1689

[f] Van Citters.

[g] Life of Prideaux, 41. in D'Oyl. Sanc. i. 270.

dience. The other deserters were disobeyed by nineteen twentieths of their clergy; and not more than two hundred in all are said to have complied out of a body of ten thousand.[a] "The whole Church," says the nuncio, "espouses the cause of the bishops. There is no reasonable expectation of a division among the Anglicans, and our hopes from the Nonconformists are vanished."[b] Well, indeed, might he despair of the dissenters, since, on the 20th of May, the venerable Baxter, above sectarian interests and unmindful of ancient wrongs, from his tolerated pulpit extolled the bishops for their resistance to the very Declaration to which he now owed the liberty of commending them.[c] It was no wonder that such an appearance of determined resistance should disconcert the Government. No prospect now remained of seducing some Protestants, of punishing some others, and by this double example of gaining the greater part of the rest. The King, after so many previous acts of violence, seemed to be reduced to the alternative of either surrendering to exasperated antagonists, or engaging in a mortal combat with all his Protestant subjects. In the most united and vigorous government, the choice would have been among the most difficult which human wisdom is required to make. In the distracted councils of James, where secret advisers thwarted responsible ministers, and fear began to disturb the judgment of some, while anger inflamed the minds of others, a still greater fluctuation and contradiction prevailed, than would have naturally arisen from the great difficulty of the situation. Pride impelled the King to advance, caution counselled him to retreat. Calm reason, even at this day, discovers nearly equal dangers in either movement. It is one of the most unfortunate circumstances in human affairs, that the most important questions of practice either perplex the mind so much by their difficulty, as to be always really decided by temper, or excite passions too strong for such an undisturbed exercise of the understanding as alone affords a probability of

[a] Van Citt. $\frac{15}{25}$ June. Ralp. ii. 1.

[b] D'Adda, $\frac{1}{11}$ June.

[c] Johnst. 23d May.

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right judgment. The nearer approach of perils, both political and personal, rendered the counsels of Sunderland more decisively moderate[a]; in which he was supported by the Catholic lords in office, conformably to their uniform principles[b]; and by Jeffreys, who, since he had gained the prize of ambition, began more and more to think of safety.[c] It appears, also, that those who recoiled from an irreparable breach with the Church, the nation, and the Protestants of the royal family, were now not unwilling that their moderation should be known. Jeffreys spoke to Lord Clarendon of "moderate counsels;" declared, that "some men would drive the King to destruction;" and made professions of "service to the bishops;" which he went so far as to desire that nobleman to communicate to them. William Penn, on a visit, after a very long interval, to that lord, betrayed an inquietude, which sometimes prompts men almost instinctively to acquire or renew friendships.[d] Sunderland disclosed the nature and grounds of his own counsels, very fully, both to the nuncio and to the French ambassador.[e] "The great question," he said, "was how the punishment of the bishops would affect the probability of accomplishing the King's purpose through a parliament. Now, it was not to be expected, that any adequate penalty could be inflicted on them in the ordinary course of law. Recourse must be had to the ecclesiastical commission, which was already sufficiently obnoxious. Any legal proceeding would be long enough, in the present temper of men, to agitate all England. The suspension or deprivation by the ecclesiastical commissioners, which might not exclude the bishops from their parliamentary seats, would, in a case of so extensive delinquency, raise such a fear and cry of arbitrary power, as to render

[a] D'Adda, $\frac{24 \text{ May,}}{3 \text{ June.}}$ Barillon, $\frac{24 \text{ May,}}{3 \text{ June.}}$

[b] "Lords Powis, Arundel, Dover, and Bellasis, are very zealous for moderation." Van Citters, $\frac{1}{11}$ June.

[c] Clarend. Diary, 14th and 27th June, 5th July, 13th August.

[d] Clarendon, 21st May. "The first time I had seen him for a long time. He professed great kindness."

[e] Despatches last cited.

all prospect of a parliament desperate, and to drive the King to a reliance on arms alone; a fearful resolution, not to be entertained without fuller assurance that the army was and would remain untainted." He therefore advised, that "his Majesty should content himself with publishing a declaration, expressing his high and just resentment at the hardihood of the bishops, in disobeying the supreme head of their Church, and disputing a royal prerogative recently recognised by all the Judges of England; but that, in consideration of the fidelity of the Church of England in past times, from which these prelates had been the first to depart, his Majesty was desirous of treating their offence with clemency, and would refer their conduct to the consideration of the next Parliament, in the hope that their intermediate conduct might warrant entire forgiveness." It was said, on the other hand, "that the safety of the government depended on an immediate blow; that the impunity of such audacious contumacy would embolden every enemy at home and abroad; that all lenity would be regarded as the effect of weakness and fear; and that the opportunity must now or never be seized, of employing the ecclesiastical commission to strike down a church, who supported the Crown only as long as she dictated to it, and became rebellious at the moment when she was forbidden to be intolerant." To strengthen these topics, it was urged "that the factions had already boasted that the Court would not dare to proceed juridically against the bishops."

Both the prudent ministers, to whom these discussions were imparted, influenced probably by their wishes, expected that moderation would prevail[a]; but, after a week of discussion, Jeffreys, fearing that the King could not be reconciled to absolute forbearance, and desirous of removing the odium from the ecclesiastical commission, of which he was the head[b], proposed that the bishops

[a] D'Adda and Barillon, $\frac{1}{11}$ June.

[b] Van Citters, $\frac{1}{11}$ June. The biographer of James II. tells us that the Chancellor advised the King to prosecute the bishops for tumultuous petitioning, ignorantly supposing the statute passed at the Restoration against such petitioning to be applicable to their case. James II.

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should be prosecuted in the Court of King's Bench, and the consideration of mercy or rigour postponed till after judgment: a compromise probably more impolitic than either of the extremes; inasmuch as it united a conspicuous and solemn proceeding, and a form of trial partly popular, with the utmost boldness of defence, some probability of acquittal, and the least punishment in case of conviction. On the evening of the 27th of May, the second Sunday appointed for reading the Declaration, it was determined to prosecute the bishops; and they were accordingly summoned to appear before the Privy Council on the 8th of June, to answer a charge of misdemeanour. In obedience to this summons, the bishops attended at Whitehall on the day appointed, about five o'clock in the afternoon, and being called into the council chamber, were graciously received by the King. The Chancellor asked the Archbishop, whether a paper now shown to him was the petition written by him, and presented by the other bishops to his Majesty. The Archbishop, addressing himself to the King, answered, "Sir, I am called hither as a criminal, which I never was before: since I have that unhappiness, I hope your Majesty will not be offended that I am cautious of answering questions which may tend to accuse myself." The King called this chicanery; adding, "I hope you will not deny your own hand." The Archbishop said, "The only reason for the question is to draw an answer which may be ground of accusation." Lloyd of St. Asaph added, "All divines of all Christian churches are agreed that no man in our situation is obliged to answer such questions;" but the King impatiently pressing for an answer, the Archbishop said, "Sir, though not obliged to answer, yet, if your Majesty commands it, we are willing to obey, trusting to your justice and generosity that we shall not suffer for our obedience." The King said he should not command

Their examination before the Privy Council.

ii. 158. The passage in the same page, which quotes the King's own MSS., is more naturally referable to the secret advisers of the order in council. The account of Van Citters, adopted in the text, reconciles the Jacobite tradition followed by Dicconson with the language of Jeffreys to Clarendon, and to the former complaints of the Catholics against his lukewarmness mentioned by Barillon.

them, and Jeffreys directed them to withdraw. On their return, they were commanded by the King to answer, and they owned the petition. There is some doubt whether they repeated the condition on which they made their first offer of obedience[a]; but, if they did not, their forbearance must have arisen from a respectful confidence, which disposed them, with reason, to consider the silence of the King as a virtual assent to their unretracted condition. A tacit acceptance of conditional obedience is indeed as distinct a promise to perform the condition as the most express words. They were commanded to withdraw; and, on their return a third time, they were told by Jeffreys that they would be proceeded against; "but," he added (alluding to the obnoxious commission), "with all fairness, in Westminster Hall." He desired them to enter a recognisance (or legal engagement) to appear. They declared their readiness to answer, whenever they were called, without a recognisance; and, after some conversation, insisted on their privilege as peers not to be bound by recognisance in misdemeanour. They were directed once more; and, after several ineffectual attempts to prevail on them to accept the offer of being discharged on their own recognisances, as a favour, they were committed to the Tower by a warrant, which all the privy counsellors present, except Lord Berkeley and Father Petre, subscribed; of whom it is observable, that nine only were avowed Catholics, and nine professed members of the English church, besides Sunderland, whose renunciation of that religion was not yet made public.[b] The order for their prosecution was, however, sanctioned in the usual manner, by placing the names of all present at the head. The people, who saw the Bishops as they walked to the barges which were to conduct them to the Tower, were deeply affected by the spectacle; and, for the first time, manifested their emotions in a

Their committal.

[a] Dr. D'Oyley, i. 278., seems on this point to vary from the narrative in Gutch, Coll. Curios. i. 351. It seems to me more probable that the condition was repeated after the second entrance; for Dr. D'Oyley is certainly right in thinking that the statement of the Archbishop's words, as having been spoken "after the third or fourth coming in," must be a mistake. It is evidently at variance with the whole course of the examination.

[b] Gutch, Coll. Curios. i. 353, 354.

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manner which would have still served as a wholesome admonition to a wise government. The demeanour of these prelates is described by eye-witnesses as meek, composed, and cheerful[a]; betraying no fear, and untainted by ostentation or defiance, but endowed with a greater power over the fellow-feeling of the beholders by the exhortations to loyalty, which were doubtless uttered with undesigning sincerity by the greater number of the venerable sufferers. The mode of conveyance, though probably selected for mere convenience, contributed to deepen and prolong the interest of the scene. The soldiers who escorted them to the shore had no need to make any demonstrations of violence, for the people were too much subdued by pity and reverence to vent their feelings otherwise than by tears and prayers. Having never before seen prelates in opposition to the King, accustomed to look at them only in a state of pacific and inviolate dignity, the spectators regarded their fall to the condition of prisoners and the appearance of culprits with amazement, awe, and compassion. The scene seemed to be a procession of martyrs. Thousands, says Van Citters, probably an eye-witness, begged their blessing.[b] Some persons ran into the water to implore a blessing from the prisoners. Both banks of the Thames were lined with multitudes, who, when they were too distant to be heard, manifested their feelings by falling down on their knees, and raising up their hands, beseeching Heaven to guard the sufferers for religion and liberty.[c] On landing at the Tower, several of the guards knelt down to receive their blessing. Some even of the officers yielded to the general impulse; and as the Bishops chanced to land at the accustomed hour of evening prayer, they immediately repaired to the chapel, where they heard, in the ordinary lesson of the day, a remarkable exhortation to the primitive teachers of Christianity, "to approve themselves the ministers of God, with patience, in afflictions, in imprisonments."[d] The court ordered the guard to be doubled. On the following days multi-

[a] Reresby, 261.

[b] Van Citters, $\frac{8}{18}$ June.

[c] Burnet, Echard, Ralph.

[d] 2 Cor. vi.

tudes crowded to the Tower[a], of whom the majority gazed on the prison with distant awe, while a few entered to offer homage and counsel to the venerable prisoners. "If it be a crime to lament," said a learned contemporary, in a confidential letter, "innumerable are the transgressors. The nobles of both sexes, as it were, keep their court at the Tower, whither a vast concourse daily go to beg the holy men's blessing. The very soldiers act as mourners."[b] The soldiers on guard, indeed, drank their healths; and though reprimanded by Sir Edward Hales, now Lieutenant of the Tower, declared that they would persevere.[c] The amiable Evelyn did not fail to visit them on the day previous to that on which he was to dine with the Chancellor, appearing to distribute his courtesies with the neutrality of Atticus[d]; but we now know that Jeffreys himself, on the latter of these days, had sent a secret message by Clarendon, assuring the Bishops that he was much troubled at the prosecution, and offering his services to them.[e] None of their visiters were more remarkable than a deputation of ten Nonconformist ministers, which so incensed the King that he personally reprimanded them; but they answered, that they could not but adhere to the Bishops, as men constant to the Protestant religion[f],—an example of magnanimity rare in the conflicts of religious animosities.

The Dissenting clergy seem, indeed, to have been nearly unanimous in preferring the general interest of religious liberty to the enlargement of their peculiar privileges.[g] Alsop was full of sorrow for his compliances in the former year. Lobb, who was seized with so enthusiastic an attachment to James that he was long after known by the singular name of the "Jacobite Independent," alone persevered in devotedness to the court; and when the King asked his advice respecting the treatment of the

[a] Clar. Diary, 9th, 10th, 12th June.
[b] Dr. Nalson's Letter to his Wife, in Gutch, Coll. Cur. i. 360.
[c] Reresby.
[d] Evelyn's Diary, 13th and 14th June.
[e] Clar. Diary, 14th June.
[f] Reresby.
[g] Johnst. 13th June.

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Bishops, advised that they should be sent to the Tower.[a] No exertion of friendship or of public zeal was wanting to prepare the means of their defence, and to provide for their dignity, in every part of the proceeding. The Bishop of London, Dr. Tennyson, and Johnstone, the secret agent of the Prince of Orange, appear to have been the most active of their friends. Pemberton and Pollexfen, accounted the most learned among the elder lawyers, were engaged in their cause. Sir John Holt, destined to be the chief ornament of a bench purified by liberty, contributed his valuable advice. John Somers, then in the thirty-eighth year of his age[b], was objected to at one of their consultations, as too young and obscure to be one of their counsel[c]; and, if we may believe Johnstone, it was owing to him that this memorable cause afforded the earliest opportunity of making known the superior intellect of that great man. Twenty-eight peers were prepared to bail them, if bail should be required.[d] Stanley, chaplain to the Princess of Orange, had already assured Sancroft that the Prince and Princess approved their firmness, and were deeply interested in their fate.[e] One of them, probably Trelawney, a prelate who had served in the civil war, early told Johnstone that if they were sent to the Tower, he hoped the Prince of Orange would take them out, which two regiments and his authority would do[f]; and, a little later, the Bishop of St. Asaph assured the same trusty agent, who was then collecting the opinions of several eminent persons on the seasonableness of resistance, that "the matter would be easily done."[g] This bold prelate had familiarised himself to extraordinary events, and was probably tempted to daring counsels by an overweening confidence in his own interpretation of mysterious prophecies, which he had long laboured to illustrate by vain efforts of ability

[a] Johnst. 13th June. "I told the Archbishop of Canterbury," says Johnstone, "that their fate depended on very mean persons." Burnet, iii. 217.

[b] Born 1650.

[c] Kennett.

[d] Gutch, Coll. Curios. i. 357., where their names appear.

[e] Id. 307.

[f] Johnstone, 27th May.

[g] Johnstone, 18th June. The Bishop's observation is placed between the opinions of Mr. Hampden and Sir J. Lee, both zealous for immediate action.

and learning. He made no secret of his expectations; but, at his first interview with a chaplain of the Archbishop, exhorted him to be of good courage, and declared that the happiest results were now to be hoped, for the people, incensed by tyranny, were ready to take up arms to expel the Papists from the kingdom, and to punish the King himself, which was to be deprecated, by banishment or death; adding, that if the Bishops escaped from their present danger, they would reform the Church from the corruptions which had crept into her frame, throw open her gates for the joyful entrance of the sober and pious among Protestant Dissenters, and relieve even those who should continue to be pertinacious in their nonconformity from the grievous yoke of penal laws.[a] During the imprisonment, Sunderland and the Catholic lords, now supported by Jeffreys, used every means of art and argument to persuade James that the birth of the Prince of Wales (which will presently be related) afforded a most becoming opportunity for signalising that moment of national joy by a general pardon, which would comprehend the Bishops, without involving any apparent concession to them.[b] The King, as usual, fluctuated. A proclamation, couched in the most angry and haughty language, commanding all clergymen, under pain of immediate suspension, to read the Declaration, was several times sent to the press, and as often withdrawn.[c] "The King," said Jeffreys, "had once resolved to let the proceedings fall; but some men would hurry him to destruction."[d] The obstinacy of James, inflamed by bigoted advisers, and supported by commendation, with proffered aid, from France, prevailed over sober counsels.

On the 15th of June, the Bishops were brought before the Court of King's Bench by a writ of Habeas Corpus. On leaving

[a] Diary of Henry Wharton, 25th June, 1688. D'Oyley's Sancroft, ii. 134. The term "ponteficios," which is rendered in the text by Papists, may perhaps be limited, by a charitable construction, to the more devoted partisans of papal authority. "The Bishop of St. Asaph was a secret favourer of a foreign interest." Life of Kettlewell, 175. London, 1718; from the papers of Hicks and Nelson.

[b] Johnstone, 13th June.

[c] V. Citt. $\frac{29 \text{ May,}}{8 \text{ June.}}$

[d] Clarend. Diary, 14th June.

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the Tower they refused to pay the fees required by Sir Edward Hales as lieutenant, whom they charged with discourtesy. He so far forgot himself as to say that the fees were a compensation for the irons with which he might have loaded them, and the bare walls and floor to which he might have confined their accommodation.[a] They answered, "We lament the King's displeasure, but every other man loses his breath who attempts to intimidate us." On landing from their barge, they were received with increased reverence by a great multitude, who made a lane for them, and followed them into Westminster Hall.[b] The nuncio, unused to the slightest breath of popular feeling, was subdued by these manifestations of enthusiasm, which he relates with more warmth than any other contemporary. "Of the immense concourse of people," says he, "who received them on the bank of the river, the majority in their immediate neighbourhood were on their knees: the Archbishop laid his hands on the heads of such as he could reach, exhorting them to continue steadfast in their faith; they cried aloud that all should kneel, while tears flowed from the eyes of many."[c] In the Court of King's Bench they were attended by the twenty-nine peers, who offered to be their sureties, and the court was instantly filled by a crowd of gentlemen attached to their cause. The return of the lieutenant of the Tower to the writ of Habeas Corpus set forth that the Bishops were committed under a warrant signed by certain privy counsellors for a seditious libel. The Attorney General moved, that the information should be read, and that the Bishops should be called on to plead, or, in common language, either to admit the fact, deny it, or allege some legal justification of it. The counsel for the Bishops objected to reading the information on the ground that they were not legally before the court, because the warrant, though signed by privy counsellors, was not stated to be issued by them in that capacity,

[a] Johnst. 18th June; and a more general statement to the same effect, Evelyn, 29th June.
[b] Clarend. 15th June, &c.
[c] D'Adda, $\frac{15}{22}$ June, and Reresby.

and because the Bishops, being peers of parliament, could not lawfully be committed for a libel. The court over-ruled these objections, the first with evident justice, because the warrant of commitment set forth its execution at the council chamber, and in the presence of the King, which sufficiently showed it to be the act of the subscribing privy counsellors acting as such: the second, with much doubt touching the extent of privilege of parliament acknowledged on both sides to exempt from apprehension in all cases but treason, felony, and the peace; which last term was said by the counsel for the Crown to comprehend such constructive offences against the peace as a libel, and argued on behalf of the Bishops, to be confined to those acts or threats of violence which, in common language, are termed breaches of the peace. The greatest judicial authority on constitutional law since the accession of the House of Brunswick has pronounced the determination of the Judges in 1688 to be erroneous.[a] The question depends too much upon irregular usage and technical subtleties to be brought under the cognisance of the historian, who must be content with observing, that the error was not so manifest as to warrant an imputation of bad faith to the Judges. A delay of pleading till next term, which is called an imparlance, was then claimed on the part of the Bishops. The officers usually referred to for the practice of the court declared it for the last twelve years to have been that the defendants should immediately plead. Sir Robert Sawyer, Mr. Finch, Sir Francis Pemberton, and Mr. Pollexfen, bore a weighty testimony, from their long experience, to the more indulgent practice of the better times which preceded; but Sawyer, covered with the guilt of so many odious proceedings, Finch, who was by no means free from participation in them, and even Pemberton, who had the misfortune to be Chief Justice in evil days, seemed to contend against the practice of their own administration with a bad grace; the veteran Pollexfen alone, without fear of retaliation, appealed to the pure age of Sir Matthew Hale. The

[a] Lord Chief Justice Pratt, afterwards Lord Camden. Wilkes's case, 1763.

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court decided that the Bishops should plead, but their counsel considered themselves as having gained their legitimate object by showing that the government employed means at least disputable against them.[a] The Bishops pleaded Not guilty, and they were enlarged, on their own undertaking to appear on the trial, which was appointed to be on the 29th of June. As they left the court they were surrounded by crowds, who begged their blessing. The Bishop of St. Asaph, detained in Palace Yard by a multitude, who kissed his hands and garments, was delivered from their importunate kindness by Lord Clarendon, who, taking him into his carriage, found it necessary to make a circuit through the Park to escape from the bodies of people by whom the streets were obstructed.[b] Shouts and huzzas broke out in the court, and were repeated all around at the moment of the enlargement. The bells of the Abbey Church of Westminster had begun to ring a joyful peal, when they were stopped by Sprat amidst the execrations of the people.[c] No one knew, said the Dutch minister, what to do for joy. When the Archbishop landed at Lambeth, the grenadiers of Lord Lichfield's regiment, though posted there by his enemies, received him with military honours, made a lane for his passage from the river to his palace, and fell on their knees to ask his blessing.[d] In the evening the premature joy at this temporary liberation displayed itself in bonfires, and in some outrages to Roman Catholics, as the supposed instigators of the prosecution.[e] No doubt was entertained at court of the result of the trial, which the King himself took measures to secure by a private interview with Sir Samuel Astry, the officer whose province it was to form

[a] State Trials, xii. 183. The general reader may be referred with confidence to the excellent Abridgment of the State Trials, by Mr. Phillipps, London, 1826; 2 vols. 8vo.; a work probably not to be paralleled by the union of discernment, knowledge, impartiality, calmness, clearness, and precision, it exhibits on questions the most angrily contested. It is, indeed, far superior to the huge and most unequal compilation of which it is an abridgment, to say nothing of the instructive observations on legal questions in which Mr. Phillipps rejudges the determinations of past times.

[b] Claren. 15th June.

[c] Van Citters, $\frac{15}{25}$ June.

[d] Johnst. 18th June.

[e] Narc. Lutterell, and the two last-mentioned authorities.

the jury.[a] It was openly said that the bishops would be condemned to pay large fines; to be imprisoned till the payment, and suspended from their functions and revenues.[b] A fund would thus be ready for the King's liberality to Catholic colleges and chapels, while the punishment of the archbishop would remove the only licenser of the press[c] who was independent of the Crown. Sunderland still contended for the policy of being generous after victory, and of not seeking to destroy those who would be sufficiently degraded. He believed that he had made a favourable impression on the King.[d] But that Prince spoke of the feebleness which had disturbed the reign of his brother, and brought his father to the scaffold. Barillon represents him as inflexibly resolved on rigour[e], and the opinion seems to have been justified by the uniform result of every previous deliberation. Men of common understanding are much disposed to consider the contrary of the last unfortunate error as being always sound policy; they are incapable of estimating the various circumstances which may render vigour or caution applicable at different times and in different stages of the same proceedings. They pursue their single maxim, often founded on shallow views, even of one case, with headlong obstinacy; and if they be men also of irresolute nature, they are unable to resist the impetuosity of violent counsellors; they are prone to rid themselves from the pain of fluctuation by a sudden determination to appear decisive; and they often take refuge from past fears, and seek security from danger to come, by a rash and violent blow. "Lord Sunderland," says Barillon, "like a good courtier and an able politician, every where

[a] Clar. Diary, 21st June and 27th June, where an agent of the court is said to have busied himself in striking the jury.

[b] Barillon, $\frac{21 \text{ June,}}{1 \text{ July.}}$ V. Citters, $\frac{22 \text{ June,}}{2 \text{ July.}}$

[c] It appears from Wharton's Diary, that the chaplains at Lambeth discharged this duty with more regard even then to the feelings of the King than to the rights of Protestant controversialists.

[d] D'Adda, $\frac{29 \text{ June,}}{9 \text{ July.}}$

[e] Bar. $\frac{21 \text{ June,}}{1 \text{ July.}}$

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vindicates, with warmth and vigour, the measures which he disapproved and had opposed." [a]

Trial.

The bishops, on the appointed day, entered the court surrounded by the lords[b] and gentlemen, who, on this solemn occasion, chose that mode of once more testifying their adherence to the public cause. Some previous incidents inspired courage. Levinz, one of the counsel retained, having endeavoured to excuse himself from an obnoxious duty, was compelled, by the threats of attornies, to perform it. The venerable Serjeant Maynard, urged to appear for the Crown, in the discharge of his duty as King's serjeant, boldly answered, that if he did he was bound also to declare his conscientious opinion of the case to the King's Judges.[c] The appearance of the bench was not consolatory to the accused. Powell was the only impartial and upright Judge. Allibone, as a Roman Catholic, was, in reality, about to try the question whether he was himself legally qualified for his office. Wright and Holloway were placed on the bench to betray the law. Jeffreys himself, who appointed the Judges, now loaded them with the coarsest reproaches[d], more, perhaps, from distrust of their boldness than from apprehension of their independence. Symptoms of the overawing power of national opinion are indeed perceptible in the speech of the Attorney-General, which was not so much the statement of an accusation as an apology for the prosecution. He disclaimed all attack on the bishops in their episcopal character; he did not now complain of their refusal to read the King's Declaration, but only charged them with the temporal offence of composing and publishing a seditious libel, under pretence of presenting a humble petition to his Majesty. His doctrine on libel was, indeed, subversive of liberty; but it has often been

[a] Bar. ubi suprà.

[b] "Thirty-five lords." Johnstone, 2d July; probably about one half of the legally qualified peers then in England and able to attend. There were eighty-nine temporal lords who were Protestants. Minority, and absence from the kingdom, and sickness, may account for nineteen.

[c] Johnst. 2d July.

[d] Clar. 27th June, "Rogues." 5th July, "Knaves, Fools." He called Wright "a beast;" but this, it must be observed, was after his defeat.

repeated in better times, though in milder terms, and with some reservations. "The bishops," said he, "are accused of censuring the government, and giving their opinion about affairs of state. No man may say of the great officers of the kingdom, far less of the King, that they act unreasonably, for that may beget a desire of reformation, and the last age will abundantly satisfy us whither such a thing does tend." The first difficulty arose on the proof of the handwriting of the bishops, which seems to have been decisive against Sancroft, sufficient against some others, and altogether wanting in the cases of Ken and Lake. All the witnesses on this subject gave their testimony with the most evident reluctance. The court was equally divided on the question whether there was sufficient proof of the handwriting to warrant the reading of the petition in evidence against the accused. The objection to reading it was groundless, but the answers to it attempted were so feeble as to betray a general irresolution and embarrassment. The counsel for the Crown were then driven to the necessity of calling the clerk of the privy council to prove the confessions before that body, in obedience to the commands of the King. When they were proved, Pemberton, with considerable dexterity, desired the witness to relate all the circumstances which attended these confessions. Blathwaite, the clerk, long resisted, and evaded this question, of which he evidently felt the importance. He was at length compelled to acknowledge that the bishops had accompanied their offer to submit to the royal command, by expressing their hope that no advantage would be taken of their confession against them. He could not pretend that they were warned against such a hope before their confession was received; but he eagerly added, that no promise to such an effect had been made, as if chicanery could be listened to in a matter which concerned the personal honour of a sovereign. Williams, the only one of the counsel of the Crown who was more provoked than intimidated by the public voice, drew the attention of the audience to this breach of faith by the vehemence with which he resisted the admission of the evidence which proved it. Another subtle question

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sprung from the principle of English law, that crimes are triable only in the county where they are committed. It was said that the alleged libel was written at Lambeth in Surrey, and not proved to have been published in Middlesex; so that neither of the offences charged could be tried in the latter county. It was proved that it could not have been written in Middlesex; because the archbishop, who was the writer, had been confined by illness to his palace for some months. The counsel then endeavoured to prove by the clerks of the privy council[a], that the bishops had owned the delivery of the petition to the King, which would have been a publication in Middlesex. But the witnesses proved only an admission of the signatures. On every failure, the audience showed their feelings by a triumphant laugh or a shout of joy. The Chief Justice, who at first feebly reprimanded them, soon abandoned the attempt to check them. In a long and irregular altercation, the advocates of the accused spoke with increasing boldness, and those for the prosecution with more palpable depression, except Williams, who vented the painful consciousness of inconsistency, unvarnished by success, in transports of rage which descended to the coarsest railing. The court had determined that there was no evidence of publication before the examination of the latter witnesses, who certainly afforded none. The Attorney and Solicitor-General, however, after the failure of that examination, proceeded to argue that the case was sufficient; chiefly, it should seem, to prolong the brawls till the arrival of Lord Sunderland, by whose testimony they expected to prove the delivery of the petition to the King. But the Chief Justice, who could no longer endure such wearisome confusion, began to sum up the evidence to the jury, whom, if he had adhered to his previous declarations, he must have instructed to acquit the accused. Finch, either distrusting the jury, or excused, if not justified, by the Judge's character, by the suspicious solemnity of his professions of impartiality, and by his own too long familiarity with

[a] Pepys, the noted secretary to the Admiralty, was one of the witnesses examined. He was probably a privy counsellor.

the darkest mysteries of state trials, suspected some secret design, and respectfully interrupted Wright, in order to ascertain whether he still thought that there was no sufficient proof of writing in Middlesex, or of publication any where. Wright, who seemed to be piqued, said, he was sorry Mr. Finch should think him capable of not leaving it fairly to the jury. He scarcely contained his exultation over the supposed indiscretion of Finch.[a] Pollexfen requested the Judge to proceed, and Finch pressed his interruption no farther. But Williams, who, when Wright had begun to sum up, countermanded his request for the attendance of Lord Sunderland as too late, seized the opportunity of this interruption to despatch a second message, urging him to come without delay, and begged the court to suspend the summing up, as a person of great quality was about to appear who would supply the defects in the evidence. He triumphantly said, that there was a fatality in this case, and Wright said to the bishops' counsel, "You see what comes of the interruption; now we must stay." All the bystanders condemned Finch as much as he soon afterwards compelled them to applaud him. An hour was spent in waiting for Sunderland. It appears to have been during this fortunate delay that the bishops' counsel determined on a defence founded on the illegality of the dispensing power, from which they had before been either deterred from an apprehension that they would not be suffered to question an adjudged point, or diverted at the moment by the prospect that the Chief Justice would sum up for an acquittal.[b] By this resolution, the verdict, instead of only

[a] "The C. J. said, 'Gentlemen, you do not know your own business; but since you will be heard, you shall be heard.'" Johnst. 2d July. He seems to have been present, and, as a Scotchman, was not very likely to have invented so good an illustration of the future tense. It is difficult not to suspect that Wright, after admitting that there was no positive evidence of publication in Middlesex, did not intend to tell the jury that there were circumstances proved from which they might reasonably infer the fact. The only circumstance, indeed, which could render it doubtful that he would lay down a doctrine so well founded, and so suitable to his purpose, at a time when he could no longer be contradicted, is the confusion which, on this trial, seems to have more than usually clouded his weak understanding.

[b] "They waited about an hour for Sunderland, which luckily fell out, for in this time the bishops' lawyers recollected themselves, in order to what followed." Johnst. 2d July. A

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insuring the escape of the bishops, became a triumph of the Constitution. At length Sunderland was carried through Westminster in a chair, of which the head was down. No one saluted him. The multitude hooted and hissed, crying out "Popish dog." He was so disordered by this reception that when he came into court he trembled, changed colour, and looked down, as if fearful of the countenances of ancient friends, and unable to bear the contrast between his own disgraceful greatness and the honourable calamity of the bishops. He proved that the bishops came to him with a petition to the King, which he declined to read, and that he introduced them immediately to the King, to whom he had communicated the purpose for which they prayed an audience.

The defence.

The general defence then began, and the counsel for the bishops, without relinquishing their minor objections, arraigned the dispensing power, and maintained the right of petition with a vigour and boldness which entitles such of them as were only mere advocates to great approbation, and those among them who were actuated by higher principles to the everlasting gratitude of their country. When Sawyer began to question the legality of the Declaration, Wright, speaking aside, said, "I must not suffer them to dispute the King's power of suspending laws." Powell answered, "They must touch that point; for if the King hath no such power (as clearly he hath not), the petition is no attack on the King's legal power, and therefore no libel." Wright peevishly replied, "I know you are full of that doctrine, but the bishops shall have no reason to say I did not hear them. Brother, you shall have your way for once. I will hear them. Let them talk till they are weary."

The substance of the argument was, that a dispensing power was unknown to the ancient constitution; that the Commons, in

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minute examination of the trial explains these words of Johnstone, and remarkably proves his accuracy. From the eagerness of Pollexfen that Wright should proceed with his address to the jury, it is evident they did not then intend to make the defence which was afterwards made.

the reign of Richard II., had formally consented that the King should, with the assent of the Lords, exercise such a power respecting a single law till the next parliament[a]; that the acceptance of such a trust was a parliamentary declaration against the existence of such a prerogative; that though there were many cases of dispensations from penalties granted to individuals, there never was an instance of a pretension to dispense with laws before the Restoration; that it was in the reign of Charles II. twice condemned by parliament, twice relinquished, and once disclaimed by the Crown; that it was declared to be illegal by the House of Commons in their very last session; and finally, that the power to suspend was in effect a power to abrogate; that it was an assumption of the whole legislative authority, and laid the laws and liberties of the kingdom at the mercy of the King. Mr. Somers, whose research had supplied the ancient authorities quoted by his seniors, closed the defence in a speech admirable for a perspicuous brevity adapted to the stage of the trial at which he spoke, on which, with a mind so unruffled by the passions which raged around him as even to preserve a beautiful simplicity of expression rarely reconcileable with anxious condensation, he conveyed in a few luminous sentences the substance of all that had been dispersed over a rugged, prolix, and disorderly controversy. "My Lord, I would only mention the case respecting a dispensation from a statute of Edward VI., wherein all the Judges determined that there never could be an abrogation or suspension (which is a temporary abrogation) of an act of parliament but by the legislative power. It was, indeed, disputed how far the King might dispense with the penalties on such a particular law, as to particular persons, but it was agreed by all that the King had no power to suspend any law. Nay, I dare venture to appeal to Mr. Attorney-General, whether, in the late case of Sir Edward Hales, he did not admit that the King could not suspend a law, but only grant a dispensation from its observance to a particular

[a] 15 R. II. Rot. Parl.

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person. My Lord, by the law of all civilised nations, if the prince requires something to be done, which the person who is to do it takes to be unlawful, it is not only lawful, but his duty, *rescribere principi*[a], to petition the sovereign. This is all that is done here; and that in the most humble manner that could be thought of. Your Lordships will please to observe how far that humble caution went; how careful they were that they might not in any way justly offend the King: they did not interpose by giving advice as peers; they never stirred till it was brought home to themselves as bishops. When they made this petition, all they asked was, that it might not be so far insisted on by his Majesty as to oblige them to read it. Whatever they thought of it, they do not take it upon them to desire the Declaration to be revoked. My Lord, as to the matters of fact alleged in the petition, that they are perfectly true we have shown by the Journals of both Houses. In every one of those years which are mentioned in the petition, this power was considered by parliament, and upon debate declared to be contrary to law. There could then be no design to diminish the prerogative, for the King has no such prerogative. Seditious, my Lord, it could not be, nor could it possibly stir up sedition in the minds of the people, because it was presented to the King in private and alone; false it could not be, for the matter of it was true; there could be nothing of malice, for the occasion was not sought, but the thing was pressed upon them, and a libel it could not be, because the intent was innocent, and they kept within the bounds set up by the law that gives the subject leave to apply to his prince by petition when he is aggrieved." The Crown lawyers, by whom this extensive and bold defence seems to have been unforeseen, manifested in their reply their characteristic faults. Powis was feebly technical, and Williams was offensively violent.[b] Both evaded the great question

[a] This phrase of the Roman law, which at first sight seems mere pedantry, conveys a delicate and happy allusion to the liberty of petition, which was allowed even under the despotism of the emperors of Rome.

[b] Pollexfen and Finch took no small pains to inveigh against the King's dispensing power. The counsel for the Crown waived that point, though Mr. Solicitor was fiercely earnest against

of the prerogative by professional common-places of no avail with the jury or the public. They both relied on the usual topics employed by their predecessors and successors, that the truth of a libel could not be the subject of enquiry; and that the falsehood, as well as the malice and sedition charged by the information, were not matters of fact to be tried by the jury, but qualifications applied by the law to every writing derogatory from the government. Both triumphantly urged that the parliamentary proceedings of the last and present reign, being neither acts nor judgments of Parliament, were no proof of the illegality of what they condemned, without adverting to the very obvious consideration that the bishops appealed to them only as such manifestations of the sense of Parliament as it would be imprudent in them to disregard. Williams, in illustration of this argument, asked whether the name of a declaration in Parliament could be given to the Bill of *Exclusion*, because it had passed the Commons (where he had been very active in promoting it). This indiscreet allusion[a] was received with a general hiss. He was driven to the untenable position, that a petition from these prelates was warrantable only to Parliament, and that they were bound to delay it till Parliament was assembled. Wright, waving the question of the dispensing power[b], instructed the jury that a delivery to the King was a publication; and that any writing which was adapted to disturb the government, or make a stir among the people, was a libel: language of fearful import, but not peculiar to him, nor confined to his time. Holloway thought, that if the intention of the bishops was only to make an innocent provision for their own security, the writing could not be a libel.

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the bishops, and took the management upon himself, Mr. Attorney's province being to put a smooth question now and then. Mr. (afterwards Baron) Price to the Duke of Beaufort. Macpherson. State Papers.

[a] V. Citt. $\frac{29 \text{ June,}}{9 \text{ July.}}$

[b] "The dispensing power is more effectually knocked on the head than if an act of Parliament had been made against it. The Judges said nothing about it, except Powell, who declared against it. So it is given up in Westminster Hall. My Lord Chief Justice is much blamed at court for allowing it to be debated." Johnst. 2d July.

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Powell declared that they were innocent of sedition, or of any other crime. "If such a dispensing power be allowed, there will need no Parliament; all the legislature will be in the King. I leave the issue to God and to your consciences." Allibone overleaped all the fences of decency or prudence so far as to affirm "that no man can take upon himself to write against the actual exercise of the government, unless he have leave from the government, but he makes a libel, be what he writes true or false. The government ought not to be impeached by argument. This is a libel. No private man can write concerning the government at all, unless his own interest be stirred, and then he must redress himself by law. Every man may petition in what relates to his private interest; but neither the bishops, nor any other man, has a right to intermeddle in affairs of government." After a trial which lasted ten hours, the jury retired at seven o'clock in the evening to consider their verdict. The friends of the bishops watched at the door of the jury-room, and heard loud voices at midnight and at three o'clock; so anxious were they about the issue, though delay be in such cases a sure symptom of acquittal. The opposition of one Arnold, the brewer of the King's house, being at length subdued by the steadiness of the others, they informed the Chief Justice, at six o'clock in the morning, that the jury were agreed in their verdict[a], and desired to know when he would receive it. The Court met at nine o'clock. The nobility and gentry covered the benches, and an immense concourse of people filled the Hall, and blocked up the adjoining streets. Sir Robert Langley, the foreman of the jury, being, according to established form, asked whether the accused were guilty or not

[a] Letter of Ince, the solicitor for the bishops, to Sancroft. Gutch, Coll. Cur. i. 374. From this letter we learn that the perilous practice then prevailed of successful parties giving a dinner and money to the jury. The solicitor proposed that the dinner should be omitted, but that 150 or 200 guineas should be distributed among twenty-two of the pannel who attended. "Most of them (*i. e.* the pannel of the jury) are Church of England men: several are employed by the King in the navy and revenue; and some are or once were of the Dissenters' party." News Letter. Ellis, 2d series, iv. 105. Of this last class we are told by Johnstone, (2d July), that, "on being sounded by the Court agents, they declared that if they were jurors, they should act according to their conscience."

Acquittal.

guilty, pronounced the verdict, "Not guilty." No sooner were these words uttered than a loud huzza arose from the audience in the court. It was instantly echoed from without by a shout of joy, which sounded like a crack of the ancient and massy roof of Westminster Hall.[a] It passed with electrical rapidity from voice to voice along the infinite multitude who waited in the streets. It reached the Temple in a few minutes. For a short time no man seemed to know where he was. No business was done for hours. The Solicitor General informed Lord Sunderland, in the presence of the nuncio, that never within the remembrance of man had there been heard such cries of applause mingled with tears of joy.[b] "The acclamations," says Sir John Reresby, "were a very rebellion in noise." In no long time they ran to the camp at Hounslow, and were repeated with an ominous voice by the soldiers in the hearing of the King, who, on being told that they were for the acquittal of the bishops, said, with an ambiguity probably arising from confusion, "So much the worse for them." The jury were received with the loudest acclamations: hundreds, with tears in their eyes, embraced them as deliverers.[c] The bishops, almost alarmed at their own success, escaped from the huzzas of the people as privately as possible, and exhorted them to fear God and honour the King. Cartwright, Bishop of Chester, had remained in court during the trial unnoticed by any of the crowd of nobility and gentry, and Sprat met with little more regard.[d] Cartwright, in going to his carriage, was called a "wolf in sheep's clothing;" and as he was very corpulent, the populace cried out, "Room for the man with a pope in his belly!"[e] They bestowed also on Sir William Williams very mortifying proofs of disrespect.[f] Money was thrown among the populace to drink the healths of the King, the bishops, and the jury. In the evening

[a] Clarendon, 30th June.

[b] D'Adda, $\frac{6}{16}$ July.

[c] V. Citt. $\frac{3}{13}$ July.

[d] Gutch, i. 382.

[e] V. Citt. $\frac{3}{13}$ July.

[f] Id.

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they did so, together with confusion to the Papists, amidst the ringing of bells, and around bonfires which were lighted throughout the city, blazing before the windows of the King's palace[a], where the Pope was burnt in effigy[b] by those who were not aware of his lukewarm friendship for their enemies. Bonfires were particularly kindled before the doors of the most distinguished Roman Catholics, who were required by the multitude to defray the expense of this annoyance. Lord Arundel, and others, submitted. Lord Salisbury, with the zeal of a new convert, sent his servants to disperse the rabble; but after having fired and killed the parish beadle, who came to quench the bonfire, they were driven back into the house. All parties, Dissenters as well as Churchmen, rejoiced in the acquittal; the bishops and their friends vainly laboured to temper the extravagance with which it was expressed.[c] The nuncio, at first touched by the effusion of popular feeling, but now shocked by this boisterous triumph, declared, "that the fires over the whole city, the drinking in every street, accompanied by cries to the health of the bishops and confusion to the Catholics, with the play of fireworks, and the discharge of fire-arms, and the other demonstrations of furious gladness, mixed with impious outrage against religion, which were continued during the night, formed a scene of unspeakable horror, displaying, in all its rancour, the malignity of this heretical people against the church."[d] The bonfires were kept up during the whole of Saturday, and the disorderly joys of the multitude did not cease till the dawn of Sunday reminded them of the duties of their religion.[e] The same rejoicings spread through the principal towns; and the grand jury of Middlesex refused to find indictments for a riot against those who tumultuously kindled the bonfire, though four times sent out with instructions to find them.[f] The Court also manifested its deep feelings on this oc-

[a] V. Citters, $\frac{3}{13}$ July.

[b] Johnst. 2d July. Gerard, News Letter, 4th July.

[c] Gerard's News Letter.

[d] D'Adda, $\frac{6}{16}$ July.

[e] Ellis, iv. 110.

[f] Reresby, 265. Gerard's News Letter, 7th July.

casion. In two days after the acquittal, the rank of Baronet was conferred upon Williams; Powell for his honesty, and Holloway for his hesitation, were removed from the bench: the King betrayed the disturbance of his mind even in his camp[a], and, though accustomed to unreserved conversation with Barillon, he observed a silence on the acquittal which that minister was too prudent to interrupt.[b]

Reflections.

In order to form a just estimate of this memorable trial, it is necessary to distinguish its peculiar grievances from the evils which always attend the stricter administration of the laws against political libels. The doctrine that every writing which indisposes the people to the administration of the government, however subversive of all political discussion, is not one of these peculiar grievances; for it has often been held in other cases, and perhaps never distinctly disclaimed. The position that a libel may be conveyed in the form of a petition is true, though the case must be evident and flagrant which would warrant its application. The extravagances of Williams and Allibone might in strictness be laid out of the case, as peculiar to themselves, and not necessary to support the prosecution, were it not that they pointed out the threatening positions which success in that attack might encourage and enable the enemy to occupy. But it was absolutely necessary for the Crown to contend that the matter of the writing was so inflammatory as to change its character from a petition to a libel; that the intention in composing it was not to obtain relief, but to excite discontent; and that it was presented to the King to insult him, and to make its contents known to others. The attempt to extract such conclusions from the evidence against the bishops

[a] Reresby, ubi suprà.

[b] Whitehall, 6th July. His Majesty has been pleased to remove Sir Richard Holloway and Sir John Powell from being justices of the King's Bench. Lond. Gazette. In the Life of James II. it is said that "the King gave no marks of his displeasure to the Judges Holloway and Powell;" ii. 163. It is due to the character of James, to say that this falsehood does not proceed from him; and justice requires it to be added, that as Dicconson, the compiler, thus evidently neglected the most accessible means of ascertaining the truth, very little credit is due to those portions of his narrative for which, as in the present case, he cites no authority.

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was an excess beyond the furthest limits of the law of libel, as it had even then been practised in any number of cases which could amount to authority. But the generous feelings of mankind did not so scrupulously weigh the demerits of the prosecution. The effect of the excess was to throw a strong light on all the odious qualities (hid from the mind in their common state by familiarity) of a jealous and restrictive legislation, directed against the free exercise of reason, and the fair examination of the interests of the community. All the vices of that distempered state in which a government cannot endure a fearless discussion of its principles and measures, appeared in the peculiar evils of a single conspicuous prosecution. The feelings of mankind, in this respect more provident than their judgment, saw, in the loss of every post, the danger to the last entrenchments of public liberty. At the moment, a multitude of circumstances, wholly foreign to its character as a judicial proceeding, gave the trial the strongest hold on the hearts of the people. Unused to popular meetings, and little accustomed to political writings, the whole nation looked on this first public discussion of their rights in a high place, and surrounded by the majesty of public justice, with that new and intense interest which it is not easy for those who are familiar with such scenes to imagine. It was the prosecution of men of the most venerable character and manifestly innocent intention, after the success of which no good man could have been secure. It was an experiment, in some measure, to ascertain the means and probabilities of deliverance. The government was on its trial; and by the verdict of acquittal, the King was justly convicted of a conspiracy to maintain usurpation by oppression.

The solicitude of Sunderland for moderation in these proceedings had exposed him to such charges of lukewarmness, that he deemed it necessary no longer to delay the long-promised and decisive proof of his identifying his interest with that of his master. Sacrifices of a purely religious nature cost him little.[a]

[a] "On ne scait pas de quelle religion il est." Lettre d'un Anonyme (peut-être Bonrepaux) sur la Cour de Londres, 1687. MSS. au Depôt des Affaires Etrangères.

Some time before, he had compounded for his own delay by causing his eldest son to abjure Protestantism; "choosing rather," says Barillon, "to expose his son than himself to future hazard."

Conversion of Sunderland.

The specious excuse of preserving his vote in Parliament had hitherto been deemed sufficient. The shame of apostasy, and an anxiety not to embroil himself irreparably with a Protestant successor, were the motives for delay. But nothing less than a public avowal of his conversion would now suffice to shut the mouths of his enemies, who imputed his advice of lenity towards the bishops to a desire of keeping measures with the adherents of the Prince of Orange.[a] It was accordingly in the week of the bishops' trial that he made public his renunciation of the Protestant religion, but without any solemn abjuration; because he had the year before secretly performed that ceremony to Father Petre.[b] By this measure he completely succeeded in preserving or recovering the favour of the King, who announced it with the warmest commendations to his Catholic counsellors, and told the nuncio that a resolution so generous and holy would very much contribute to the service of God. "I have, indeed, been informed," says that minister, "that some of the most fanatical merchants of the city have observed that the royal party must certainly be the strongest, since, in the midst of the universal exasperation of men's minds, it is thus embraced by a man so wise, prudent, rich, and well informed."[c] The Catholic courtiers also considered the conversion as an indication of the superior strength and approaching

[a] "Il a voulu fermer la bouche à ses ennemis, et leur oter toute prétexte de dire qu'il peut entrer dans sa conduite quelque menagement pour la partie de M. le Prince d'Orange." Barillon, $\frac{29 \text{ June,}}{8 \text{ July,}}$ 1688.

[b] Barill. ubi suprà. "Father Petre, though it was irregular, was forced to say two masses in one morning, because Lord Sunderland and Lord Mulgrave were not to know of each other's conversion." Halifax MSS. The French ambassador at Constantinople informed Sir William Trumbull of the secret abjuration. Ibid. "It is now necessary," says V. Citters, "to secure the King's favour; the Queen's, if she be regent; and his own place in the Council of Regency, if there be one." V. Citters, $\frac{24 \text{ June,}}{6 \text{ July.}}$

[c] D'Adda, $\frac{29 \text{ June,}}{9 \text{ July,}}$

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triumph of their religion.[a] Perhaps, indeed, the birth of the Prince of Wales might have encouraged him to the step. But it chiefly arose from the prevalence of the present fear for his place over the apprehension of remote consequences. Ashamed of his conduct, he employed a friend to communicate his change to his excellent lady, who bitterly deplored it.[b] His uncle, Henry Sidney, the most confidential agent of the Prince of Orange, was incensed at his apostasy, and openly expressed the warmest wishes for his downfall.[c]

Two days after the imprisonment of the bishops, as if all the events which were to hasten the catastrophe of this reign, however various in their causes or unlike in their nature, were crowded into the same scene, the Queen was delivered in the palace of St. James's, of a son, whose birth had been the object of more hopes and fears, and was now the hinge on which greater events turned, than that of any other royal infant since human affairs have been recorded in authentic history. Never did the dependence of a monarchical government on physical accident more strikingly appear. On Trinity Sunday, the 10th of June[d], between nine and ten in the morning, the Prince of Wales was born, in the presence of the Queen Dowager, of most of the Privy Council, and of several ladies of quality; of all, in short, who were the natural witnesses on such an occasion, except the Princess Anne, who was at Bath, and the Archbishop of Canterbury, who was a prisoner in the Tower. The cannons of the Tower were fired, a general thanksgiving was ordered, and the Lord Mayor was enjoined to give directions for bonfires and public rejoicing. Some addresses of congratulation followed; compliments were received on so happy an occasion from foreign powers. The British ministers abroad, in due time, celebrated the auspicious

Birth of the Prince of Wales.

[a] Johnst. 2d July.

[b] Johnst. ubi suprà. Evelyn, who visited Althorp a fortnight after, alludes to it. "After a warm panegyric on Lady Sunderland (Lady Anne Digby) he says, 'I wish from my soul that the Lord her husband, whose parts are otherwise conspicuous, were as worthy of her, *as by a fatal apostasy* and court ambition he has made himself unworthy.'" Evelyn, 18th July, 1688.

[c] Johnst. ubi suprà.

[d] In the Gregorian Calendar the 20th.

birth with undisturbed magnificence, at Rome; amidst the loudest manifestations of dissatisfaction and apprehension at Amsterdam. From Jamaica to Madras, the distant dependencies, with which an unfrequent intercourse was then maintained by tedious voyages, continued their prescribed rejoicings long after other feelings openly prevailed in the mother country. The genius of Dryden, which often struggled with the difficulty of a task imposed, commemorated the birth of the "son of prayer" in no ignoble verse[a], but with prophecies of glory which were speedily clouded, and in the end most signally disappointed. The universal belief that the child was supposititious is a fact which illustrates several principles of human nature, and affords a needful and wholesome lesson of scepticism, even in cases where many testimonies seem to combine, and all judgments for a time agree. The historians who wrote while the dispute was still pending enlarge on the particulars; in our age, the only circumstances deserving preservation are those which throw light on the origin and reception of a false opinion which must be owned to have contributed to the subsequent events. Few births are so well attested as that of the unfortunate prince whom almost all English protestants then believed to be spurious. The Queen had, for months before, alluded to her pregnancy, in the most unaffected manner, to the Princess of Orange.[b] The delivery took place in the presence of many persons of unsuspected veracity, a considerable number of

[a] Britannia Rediviva:—

"Born in broad daylight, that the ungrateful rout
May find no room for a remaining doubt:
Truth, which itself is light, does darkness shun,
And the true eaglet safely dares the sun.
Fain would the fiends have made a dubious birth.
* * * *
No future ills, nor accidents, appear,
To sully or pollute the sacred infant's year.
* * * *
But kings too tame are despicably good.
Be this the mixture of the regal child,
By nature manly, but by virtue mild."

[b] Ellis's Letters, iii. 348. (1st series, 1824.) 21st Feb., 15th May, and afterwards 6th July and 13th. The last is decisive.

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whom were protestants. Messengers were early sent to fetch Dr. Chamberlain, an eminent obstetrical practitioner, and a noted Whig, who had been oppressed by the King, and who would have been the last person summoned to be present at a pretended delivery.[a] But as "not one in a thousand" had credited the pregnancy, the public now looked at the birth with a strong predisposition to unbelief, which a very natural neglect suffered for some time to grow stronger from being uncontradicted. This prejudice was provoked to greater violence by the triumph of the Catholics, as suspicion had before been awakened by their bold predictions. The importance of the event had, at the earlier part of the pregnancy, produced mystery and reserve, the frequent attendants of fearful anxiety, which were eagerly seized on as presumptions of sinister purpose. When a passionate and inexperienced Queen disdained to take any measures to silence malicious rumours, her inaction was imputed to inability; when she submitted to the use of prudent precautions, they were represented as betraying the fears of conscious guilt: every act of the royal family had some handle by which ingenious hostility could turn it against them. Reason was employed only to discover argument in support of the judgment which passion had pronounced. In spite of the strongest evidence, the Princess Anne honestly persevered in her incredulity.[b] Johnstone, who received minute information of all the particulars of the delivery from one of the Queen's attendants[c], could not divest himself of suspicions, of which the good faith seems to be proved by his not hazarding a positive judgment on the subject. The slightest incidents of a lying-in room were darkly coloured by his suspicions. It is evident that no incidents in human life could have stood the test of a trial by minds so prejudiced, especially as long as adverse scrutiny has the advantages of partial selection and skilful in-

[a] Dr. Chamberlain's Letter to the Princess Sophia. Dalrymple, Append.

[b] Princess Anne to Princess of Orange. Ibid.

[c] Johnst. June 13. Mrs. Dawson, one of the gentlewomen of the Queen's bedchamber, a Protestant, afterwards examined before the privy council, who communicated all the circumstances to her friend, Mrs. Baillie, of Jerviswood, Johnstone's sister.

sinuation, undisturbed by full discussion, in which all circumstances are equally sifted. When the before-mentioned attendant of the Queen declared to a large company of gainsayers that "she would swear," as she afterwards did, "that the Queen had a child," it was immediately said, "How ambiguous is her expression! the child might have been born dead." At one moment he boasts of the universal unbelief; at another he is content with saying that even wise men see no evidence of the birth; that, at all events, there is doubt enough to require a parliamentary enquiry, and that the general doubt may be lawfully employed as an argument by those who, even if they do not share it, did nothing to produce it.[a] He sometimes endeavours to stifle his own scepticism by public opinion, and on other occasions has recourse to these very ambiguous maxims of factious casuistry; but the whole tenour of his confidential letters shows the groundless unbelief in the prince's legitimacy to have been as spontaneous as it was general. Various and even contradictory accounts of the supposed imposture were circulated. It was said that the Queen was never pregnant; that she had miscarried at Easter; that one child, and by some accounts two children, in succession, had been substituted in the room of the abortion. That these tales contradicted each other, was a very slight objection in the eye of a national prejudice. The people were very slow in seeing the contradiction. Some had heard only one story, some jumbled parts of more together. The zealous, when beat out of one version, retired upon another. The skilful chose that which, like the abortion, of which there had actually been a danger, had some apparent support from facts. When driven successively from every post, they took refuge in the general remark, that so many stories must have a foundation; that they all coincided in the essential circumstance of a suppositious birth, though they differed in facts of inferior moment; that the King deserved, by his other breaches of faith, the humiliation which he now underwent; that the natural punishment of

[a] Johnst. 18th June.

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those who have often deceived is to be disbelieved when they speak truth. It is the policy of most parties not to discourage zealous partisans. The multitude considered every man who hesitated in thinking the worst of an enemy, as his abettor; and the loudness of the popular cry subdued the remains of candid doubt in those who had at first, from policy, countenanced, though they did not contrive, the delusion. At subsequent times, it was not thought the part of a good citizen to take away any prop from the Revolution, and to detect a prevalent error, which afforded a justification of it, which, though ignoble, enabled the partisans of inviolable succession to adhere to it without inconsistency during the reign of Anne.[a] By a belief in the spuriousness of the Prince of Wales, the house of Hanover were brought more near to an hereditary right. Johnstone, on the spot, and at the moment, almost worked himself into a belief of it; Lloyd, bishop of St. Asaph, honestly adhered to it many years after.[b] The collection of inconsistent rumours on this subject by Burnet reflects more on his judgment than any other passage of his history; yet, zealous as he was, his conscience would not allow him to profess his own belief in what was still a fundamental article of the creed of his party. Echard, under George I., intimates his disbelief, for which he is almost rebuked by Kennet. The upright and judicious Rapin, though a French Protestant, an officer in the army led by the Prince of Orange into England, yet, in the liberty of his foreign retirement, gave an honest judgment against his prejudices. Both parties, on this subject, so exactly believed what they wished, that perhaps scarcely any individual before him examined it on grounds of reason. The Catholics were right by chance, and by chance the Protestants were wrong. Had it been a case of the temporary success of artful impostures, so common an occurrence would have

[a] Caveat against the Whigs, part ii. 50., where the question is left in doubt at the critical period of 1712.

[b] See his account, adverted to by Burnet and others, published by Oldmixon, i. 734. "The bishop whom your friends know, bids me tell them that he had met with neither man nor woman who were so good as to believe the Prince of Wales to be a lawful child." Johnst. 2d July. This bold bishop was probably Compton.

deserved no notice. But the growth of a general delusion from the prejudice and passion of a nation, and the deep root which enabled it to keep a place in history for half a century, render this transaction worthy to be remembered by posterity.

The triumph of the Bishops did not terminate all proceedings of the ecclesiastical commissioners against the disobedient clergy. They issued an order[a] requiring the proper officers in each diocese to make a return of the names of those who had not read the royal declaration. On the day before that which was fixed for the giving in the return, a meeting of chancellors and archdeacons was held, at which eight agreed to return that they had no means of procuring the information but at their regular visitation, which did not fall within the appointed time. Six declined to make any return; and five excused themselves on the plea that the order had not been legally served upon them.[b] The commissioners were now content to shut their eyes on lukewarmness, resistance, or evasion. They affected a belief in the reason assigned for non-compliance, directed a return to be made on the 6th of December, and appointed a previous day for a visitation.[c] On the day when they exhibited these symptoms of debility and decay, they received a letter from Sprat, tendering the resignation of his seat at their board, which was universally regarded as foreboding their speedy dissolution[d]; and the last dying effort of their usurped authority was to adjourn to a day on which they were destined never to meet. Such, indeed, was the discredit into which these proceedings had fallen, that the Bishop of Chichester had the spirit to suspend one of his clergy for obedience to the King's order in reading the royal declaration.[e] The Court and the Church contended with each other for the alliance of the Dissenters, but with

[a] 12th July, Lond. Gaz.

[b] Sayers' News Letter, 18th August.

[c] 16th August, London Gazette.

[d] Sayers' News Letter, 22d August. "The secretary gave this letter to the chancellor, who swore that the bishop was mad. He gave it to the lord president, but it was never read to the board." Such was then the disorder in their minds and in their proceedings.

[e] Sayers' News Letter, 19th Sept., Kenn. iii. 515. note; in both which, the date of Sprat's letter is 15th August, 1688, the day before the last meeting of the commissioners.

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very unequal success. The last attempt of the King to gain them, was the admission into the privy council of three gentlemen, who were either Nonconformists, or well disposed towards that body, — Sir John Trevor, Colonel Titus, and Mr. Vane, the posthumous son of the celebrated Sir Henry Vane.[a] In the mean time, the Church took better means to unite all Protestants against a usurpation which clothed itself in the garb of religious liberty. The established clergy held several consultations on the mode of coming to a better understanding with the Dissenters.[b] The archbishop and clergy of London had several conferences with the principal dissenting ministers on the measures fit to be proposed about religion in the next parliament.[c] The primate himself issued admonitions to his clergy, in which he exhorted them to have a very tender regard to their brethren, the Protestant Dissenters, and to entreat them to join in prayer for the union of all reformed churches "at home and abroad, against the common enemy[d]," conformably to the late petition of himself and his brethren, in which they had declared their willingness to come into such a temper as should be thought fit with the Dissenters, when that matter should be considered in parliament and convocation. He even carried this new-born tenderness towards the long persecuted Dissenters so far as to renew those projects for uniting the more moderate of them to the Church, by some concessions relating to the terms of worship, and for exempting those whose scruples were insurmountable from the severity of penal laws, which had been smothered by his friends, when they were negotiated by Hale and Baxter in the preceding reign; and, within a few months after, these amicable overtures were again resisted, by the same party, with too much success. The disaffection of the Church manifested itself in several instances. The University of Oxford refused so small a compliance as that of conferring the decree of doctor of divinity on their bishop, according to the royal manda-

[a] 6th July, Lond. Gaz. [b] Sayers' News Letter, 7th July.
[c] News Letter, 21st July. Ellis, iv. 117. (2d series.) [d] Doyley, i. 324.

mus[a], and hastened to elect the young Duke of Ormond to be their chancellor on the death of his grandfather, in order to escape the imposition of Jeffreys, for whom they apprehended a recommendation from the Court.

Several symptoms now indicated that the national discontents had infected the armed force. The seamen in the squadron at the Nore received some monks who were sent to officiate among them with boisterous marks of derision and aversion; and, though the tumult was composed by the presence of the King, it left behind dispositions favourable to the purposes of disaffected officers. His proceedings respecting the army were uniformly impolitic. He had, very early, boasted of the number of soldiers in the guards who were converted to his religion; thus disclosing to them the dangerous secret of their importance to his designs.[b] This sensibility to the misfortunes of the Bishops, shown at the Tower and at Lambeth, betokened a proneness to fellow-feeling with the people, which Sunderland had before intimated to the nuncio, and of which he probably forewarned his master. After the triumph of these prelates, on occasion of which the feelings of the army declared themselves more loudly, the King had recourse to the very doubtful expedient of paying open court to them. He dined twice a week in the camp[c], and showed an anxiety to ingratiate himself with them by a display of affability, of precautions for their comfort, and of pride in their discipline and appearance. Without the boldness which quells a mutinous spirit, or the firmness which, where activity would be injurious, can quietly look at a danger till it disappears or may be surmounted, he yielded to the restless fearfulness which seeks a momentary relief in rash and mischievous efforts, that rouse many rebellious tempers and subdue none. A written test was prepared, which even the privates were required to subscribe[d], by which they bound themselves to contribute to the repeal of the penal laws. It was first to be tendered to some regiments who were most expected to set a good example to the

[a] Sayers' News Letter, 25th July.
[b] D'Adda, 5th Dec. 1687.
[c] Ellis, iv. News Letter, iii.
[d] Johnst. 2d July. Oldmix. i. 739.

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army. The experiment was tried on Lord Lichfield's regiment, and all those who hesitated in complying with his Majesty's commands, were commanded to lay down their arms: the whole regiment, except two captains and a few Catholic soldiers, actually laid down their arms. The King was thunderstruck; and, after a gloomy moment of silence, ordered them to take up their muskets, saying, "that he should not again do them the honour to consult them."[a] When the troops returned from the encampment to their quarters, another plan was attempted for securing their fidelity, by the introduction of trustworthy recruits. With this view, fifty Irish Catholics were ordered to be equally distributed among the ten companies of the Duke of Berwick's regiment at Portsmouth, which, having a colonel incapacitated by law, was expected to be better disposed to the reception of recruits liable to the same objection. But the experiment was too late, and conducted with a slow formality alien from the genius of soldiers. The officers were now actuated by the same sentiments with their own class in society. Beaumont, the lieutenant-colonel, and the five captains who were present, positively refused to comply. They were brought from Windsor under an escort of cavalry, tried by a council of war, and sentenced to be cashiered. The King relented, or rather faltered. He offered pardon, on condition of obedience; a fault as great as the original attempt. They all refused. The greater part of the other officers of the regiment threw up their commissions; and, instead of intimidation, a great and general discontent was spread throughout the army. To the odium incurred by an attempt to recruit it from those who were deemed the most hostile of foreign enemies, was superadded the contempt which feebleness in the execution of obnoxious designs never fails to inspire.[b]

[a] Kennet, iii. 516. Ralph speaks doubtfully of this scene, of which, indeed, no writer has mentioned the place or time. The written test is confirmed by Johnstone, and Kennet could hardly have been deceived about the sequel. The place must have been the camp at Hounslow, and the time was probably about the middle of July.

[b] Reresby, 270—272; who seems to have been a captain in this regiment. Burnet, iii. 272.

State of affairs.

Thus, in the short space of three years from the death of Monmouth and of the destruction of his adherents, when all who were not zealously attached to the Crown seemed to be dependent on its mercy, were all ranks and parties of the English nation, without any previous show of turbulence, and with not much of that cruel oppression of individuals which is usually necessary to awaken the passions of a people, slowly and almost imperceptibly conducted to the brink of a great revolution. The appearance of the Prince of Wales filled the minds of those who believed his legitimacy with terror, and roused the warmest indignation of those who considered his supposed birth as a flagitious imposture. Instead of the government of a Protestant successor, it presented, after the death of James, no prospect but an administration certainly not more favourable to religion and liberty, under the regency of the Queen, and in the reign of a prince educated under her superintendence. These apprehensions had been brought home to the feelings of the people by the trial of the Bishops, and they at last affected even the army, the last resource of power; a tremendous weapon, which cannot burst without threatening destruction to all around, and which, if it were not sometimes happily so overcharged as to recoil on him who wields it, would rob all the slaves in the world of hope, and all the freemen of safety. The state of the other British kingdoms was not such as to abate the alarms of England. In Ireland the government of Tyrconnel was always sufficiently in advance of the English minister to keep the eyes of the nation fixed on the course which their rulers were steering.[a] Its influence in spreading alarm and disaffection through the other dominions of the King, is confessed by the ablest and most zealous of his apologists. Scotland was

[a] "I do not vindicate all that Lord Tyrconnel, and others, did in Ireland before the Revolution, which, most of any thing, brought it on. I am sensible that their carriage gave greater occasion to King James's enemies than all the other mal-administrations charged upon his government." Leslie, Answer to King's State of the Protestants, 73. Leslie is the ablest of James's apologists. He skilfully avoids all the particulars of Tyrconnel's government before the Revolution. That silence, and this general admission, may be considered as conclusive evidence against it.

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also a mirror in which the English nation might behold their approaching doom. The natural tendency of the dispensing and suspending powers to terminate in the assumption of the whole authority of legislation, was visible in the declarations of indulgence issued in that kingdom. They did not, as in England, profess to be founded on limited and peculiar prerogatives of the King, either as the head of the Church or as the fountain of justice, nor on usages and determinations which, if they sanctioned such acts of power, at least confined them within fixed boundaries, but upon what the King himself displayed, in all its amplitude and with all its terrors, as "our sovereign authority, prerogative royal, and absolute power, which all our subjects are bound to obey without reservation."[a] In the exercise of this alarming power, not only were all the old oaths taken away, but a new oath, professing passive obedience, was proposed as the condition of toleration. A like declaration of 1688, besides the repetition of so high an act of legislative power as that of "annulling" oaths which the legislature had prescribed, proceeds to dissolve all the courts of justice and bodies of magistracy in that kingdom, in order that by their acceptance of new commissions conformably to the royal pleasure, they might renounce all former oaths, so that every member of them would hold his office under the suspending and even annulling powers, on the legitimacy of which the whole judicature and administration of the realm would thus exclusively rest.[b] Blood had ceased to flow for religion, and the

[a] Proclamation, 12th February, 1687. Woodrow, ii., App. No. cxxix. "We here in England see what we must look to. A parliament in Scotland proved a little stubborn; now *absolute power* comes to set all right; so when the closeting has gone round, we may perhaps see a parliament here; but if it chance to be untoward, then our reverend Judges will copy from Scotland, and will discover to us this new mystery of absolute power, which we are all obliged to obey without reserve." Burnet's Reflections on Proclam. for Toleration. Eighteen Papers on Affairs of State, 10. Lond. 1689.

[b] Proclamation, 15th May. Woodrow, ii., App. No. cxxxviii. Fountainhall, i. 504. The latter writer informs us, that "this occasioned several sheriffs to forbear awhile." Perth, the Scotch chancellor, who carried this Declaration to Scotland, assured the nuncio, before leaving London, "that the royal prerogative was then so extensive as not to require the concurrence of parliament, which was only an useful corroboration." D'Adda, $\frac{11}{21}$ May, 1688.

execution of Renwick[a], a pious and intrepid minister, who, according to the principles of the most zealous party among the Presbyterians[b], openly denied James II. to be his rightful sovereign, is rather an apparent than a real exception; for the offence imputed to him was not of a religious nature, and must have been punished by every established authority, though an impartial observer would rather regret the imprudence than question the justice of such a declaration from the mouths of these persecuted men. Books against the King's religion were reprehended or repressed by the Privy Council.[c] Barclay, the celebrated Quaker, was at this time in such favour, that he not only received a liberal pension, but had influence enough to procure an indecent but successful letter from the King to the Court of Session, in effect annulling a judgment for a large sum of money against Sir Ewen Cameron, a bold and fierce chieftain, who was the brother-in-law of the accomplished and pacific apologist.[d] Though the clergy of the Established Church had two years before resisted an unlimited toleration by prerogative, yet we are assured by a competent witness, that their opposition arose chiefly from the fear that it would encourage the unhappy Presbyterians, then almost entirely ruined, and scattered through the world.[e] The deprivation of two prelates, Bruce, Bishop of Dunkeld, for his conduct in Parliament, and Cairncross, Archbishop of Glasgow, in spite of subsequent submission, for not censuring a preacher against the Church of Rome[f], showed the English clergy that suspensions like that of Compton might be followed by more decisive measures, but seems to have silenced the complaints of the Scottish Church. From that time, at least, their resistance to the Court entirely ceased. It was followed by symptoms of an opposite

[a] 17th February, 1688. Fountainhall. Woodrow. [b] Called Cameronians.

[c] A bookseller in Edinburgh, "threatened for publishing an account of the persecution in France." Fountainhall, 8th Feb. 1688. Cockburn, a minister, forbidden to continue a Review, taken chiefly from Le Clerc's "Bibliothèque Universelle," containing some Extracts from Mabillon's Iter Italicum, which were supposed to reflect on the Church of Rome.

[d] Fountainhall, 2d June, 1688. [e] Balcarras, Affairs of Scotland, 8. Lond. 1714.

[f] Skinner, Eccles. Hist. of Scotland, ii. 500—504.

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disposition. Among these may probably be reckoned the otherwise inexplicable return to the office of Lord Advocate of the eloquent Sir George Mackenzie, their principal instrument in the cruel persecution of the Presbyterians, who now accepted that station[a] at the moment of the triumph of those principles which he had forfeited the same office by opposing two years before. The Primate prevailed on the University of St. Andrews to declare, by an address to the King, their opinion that he might take away the penal laws without the consent of Parliament.[b] No manifestation of sympathy appears to have been made towards the English Bishops, at the moment of their danger or of their triumph, by their brethren in Scotland. At a subsequent period, when the Prelates of England offered wholesome and honest counsel to their Sovereign, those of Scotland presented an address to him, in which they prayed that "God might give him the hearts of his subjects and the necks of his enemies."[c] In the awful struggle in which the English nation and Church were about to engage, they had to number the Established Church of Scotland among their enemies.

[a] 23d Feb. 1688. Fountainhall.
[b] Fountainhall, 29th March, 1688.
[c] 3d Nov. 1688. Skinner, ii. 513.

CHAP. X.

DOCTRINE OF OBEDIENCE. — RIGHT OF RESISTANCE. — COMPARISON OF FOREIGN AND CIVIL WAR. — RIGHT OF CALLING AUXILIARIES. — RELATIONS OF THE PEOPLE OF ENGLAND AND OF HOLLAND.

THE time was now come when the people of England were called upon to determine, whether they should by longer submission sanction the usurpations and encourage the further encroachments of the Crown, or take up arms against the established authority of their Sovereign for the defence of their legal rights, as well as of those safeguards which the constitution had placed around them. Though the solution of this tremendous problem requires the calmest exercise of reason, the circumstances which bring it forward commonly call forth mightier agents, which disturb and overpower the action of the understanding. In conjunctures so awful, where men feel more than they reason, their conduct is chiefly governed by the boldness or wariness of their nature, by their love of liberty or their attachment to quiet, by their proneness or slowness to fellow-feeling with their countrymen. The generous virtues and turbulent passions rouse the brave and aspiring to resistance; some gentle virtues and useful principles second the qualities of human nature in disposing many to submission. The duty of legal obedience seems to forbid that appeal to arms which the necessity of preserving law and liberty allows, or rather demands. In such a conflict there is little quiet left for moral deliberation. Yet by the immutable principles of morality, and by them alone, must the historian try the conduct of all men, before he allows himself to consider all the circumstances of time, place, opinion, example, temptation, and obstacle, which, though they never authorise a removal of the everlasting landmarks of right and

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wrong, ought to be well weighed, in allotting a due degree of commendation or censure to human actions.

Doctrine of obedience.

The English law, like that of most other countries, lays down no limits of obedience. The clergy of the Established Church, the authorised teachers of public morality, carried their principles much farther than was required by a mere concurrence with this cautious silence of the law. Not content with inculcating, in common with all other moralists, religious or philosophical obedience to civil government as one of the most essential duties of human life, the English Church perhaps alone had solemnly pronounced that in the conflict of obligations no other rule of duty could, under any circumstances, become more binding than that of allegiance. Even the duty which seems paramount to every other, that which requires every citizen to contribute to the preservation of the community, ceased, according to their moral system, to have any binding force, whenever it could not be performed without resistance to established government. Regarding the power of a monarch as more sacred than the paternal authority from which they vainly laboured to derive it, they refused to nations oppressed by the most cruel tyrants[a] those rights of self-defence which no moralist or lawgiver had ever denied to children against unnatural parents. To palliate the extravagance of thus representing obedience as the only duty without an exception, an appeal was made to the divine origin of government, as if every other moral rule were not, in the opinion of all theists, equally enjoined and sanctioned by the Deity. To denote these singular doctrines, it was thought necessary to devise the terms of passive obedience and non-resistance, uncouth and jarring forms of speech, not unfitly representing a violent departure from the general judgment of mankind. This attempt to exalt submission so high as to be always the highest duty, constituted the undistinguishing loyalty of which the Church of England boasted as her exclusive attribute, in contradistinction to the other reformed

[a] Interpretation of Romans, xiii. 1—7., written under Nero. Among many others, South, Sermon, 5th Nov. 1663.

communions, as well as to the Church of Rome. At the dawn of the Reformation it was promulgated in the homilies or discourses appointed by the Church to be read from the pulpit to the people[a], and all deviations from it had been recently condemned by the University of Oxford with the solemnity of a decree from Rome or from Trent.[b] The seven Bishops themselves, in the very petition which brought the contest with the Crown to a crisis, boasted of the inviolable obedience of their church, and of the honour conferred on them by the King's repeated acknowledgments of it. Nay, all the ecclesiastics and the principal laymen of the Church had recorded their adherence to the same principles, in a still more solemn and authoritative mode. By the Act of Uniformity[c], which restored the legal establishment of the episcopal church, it was enacted that every clergyman, schoolmaster, and private tutor should subscribe a declaration, affirming that "it was not lawful on any pretext to take up arms against the King," which members of corporation[d] and officers of militia[e] were by other statutes of the same period compelled to swear; to say nothing of the still more comprehensive oath which the high-church leaders, thirteen years before the trial of the Bishops, had laboured to impose on all public officers, magistrates, ecclesiastics, and members of both Houses of Parliament.[b]

Right of resistance

That no man can lawfully promise what he cannot lawfully do, is a self-evident proposition. That there are some duties superior to others, will be denied by no one; and that when a contest arises the superior ought to prevail, is implied in the terms by which the duties are described. It can hardly be doubted that the highest obligation of a citizen is that of contributing to preserve the community; and that every other political duty, even that of obedience to the magistrates, is derived from and must be subordinate to it. It is a necessary consequence of these simple truths, that no man who deems self-defence lawful in his own case, can, by any

[a] Homilies of Edw. VI. and Eliz.
[b] Parl. Hist. 20th July, 1683.
[c] 14 Ch. II. c. 4.
[d] 13 Ch. II. st. ii. c. 1.
[e] 14 Ch. II. c. 3.

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engagement, bind himself not to defend his country against foreign or domestic enemies. Though the opposite propositions really involve a contradiction in terms, yet declarations of their truth were imposed by law, and oaths to renounce the defence of our country were considered as binding, till the violent collision of such pretended obligations with the security of all rights and institutions awakened the national mind to a sense of their repugnance to the first principles of morality. Maxims, so artificial and overstrained, which have no more root in nature than they have warrant from reason, must always fail in a contest against the affections, sentiments, habits, and interests which are the motives of human conduct, leaving little more than compassionate indulgence to the small number who conscientiously cling to them, and fixing the injurious imputation of inconsistency on the great body who forsake them for better guides.

The war of a people against a tyrannical government may be tried by the same tests which ascertain the morality of a war between independent nations. The employment of force in the intercourse of reasonable beings is never lawful, but for the purpose of repelling or averting wrongful force. Human life cannot lawfully be destroyed, or assailed, or endangered, for any other object than that of just defence. Such is the nature and such the boundary of legitimate self-defence, in the case of individuals. Hence the right of the lawgiver to protect unoffending citizens by the adequate punishment of crimes: hence, also, the right of an independent state to take all measures necessary to her safety, if it be attacked or threatened from without; provided always that reparation cannot otherwise be obtained, that there is a reasonable prospect of obtaining it by arms, and that the evils of the contest are not probably greater than the mischiefs of acquiescence in the wrong; including, on both sides of the deliberation, the ordinary consequences of the example, as well as the immediate effects of the act. If reparation can otherwise be obtained, a nation has no necessary, and therefore no just cause of war; if there be no probability of obtaining it by arms, a government cannot, with justice

to their own nation, embark it in war; and if the evils of resistance should appear, on the whole, greater than those of submission, wise rulers will consider an abstinence from a pernicious exercise of right as a sacred duty to their own subjects, and a debt which every people owes to the great commonwealth of mankind, of which they and their enemies are alike members. A war is just against the wrongdoer when reparation for wrong cannot otherwise be obtained; but it is then only conformable to all the principles of morality, when it is not likely to expose the nation by whom it is levied to greater evils than it professes to avert, and when it does not inflict on the nation which has done the wrong sufferings altogether disproportioned to the extent of the injury. When the rulers of a nation are required to determine a question of peace or war, the bare justice of their case against the wrongdoer never can be the sole, and is not always the chief, matter on which they are morally bound to exercise a conscientious deliberation. Prudence in conducting the affairs of their subjects is, in them, a part of justice.

On the same principles the justice of a war made by a people against their own government must be examined. A government is entitled to obedience from the people, because without obedience it cannot perform the duty, for which alone it exists, of protecting them from each other's injustice. But when a government is engaged in systematically oppressing a people, or in destroying their securities against future oppression, it commits the same species of wrong towards them which warrants an appeal to arms against a foreign enemy. A magistrate who degenerates into a systematic oppressor shuts the gates of justice on the people, and thereby restores them to their original right of defending themselves by force. As he withholds the protection of law from them, he forfeits his moral claim to enforce their obedience by the authority of law. Thus far civil and foreign war stand on the same moral foundation. The principles which determine the justice of both against the wrongdoer are, indeed, throughout, the same. But there are certain peculiarities, of great importance in

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Comparison of foreign and civil war.

point of fact, which in other respects permanently distinguish them from each other. The evils of failure are greater in civil than in foreign war. A state generally incurs no more than loss in war. A body of insurgents is exposed to ruin. The probabilities of success are more difficult to calculate in cases of internal contest than in a war between states, where it is easy to compare those merely material means of attack and defence which may be measured or numbered. An unsuccessful revolt strengthens the power and sharpens the cruelty of the tyrannical ruler, while an unfortunate war may produce little of the former evil and of the latter nothing. It is almost peculiar to intestine war that success may be as mischievous as defeat. The victorious leaders may be borne along by the current of events far beyond their destination; a government may be overthrown which ought to have been repaired; and a new, perhaps a more formidable, tyranny may spring out of victory. A regular government may stop before its fall becomes precipitate, or check a career of conquest when it threatens destruction to itself. But the feeble authority of the chiefs of insurgents is rarely able, in the one case, to maintain the courage, in the other to repress the impetuosity, of their voluntary adherents. Finally, the cruelty and misery incident to all warfare are greater in domestic dissension than in contests with foreign enemies. Foreign wars have little effect on the feelings, habits, or condition of the majority of a great nation, to most of whom the worst particulars of them may be unknown. But civil war brings the same or worse evils into the heart of a country and into the bosom of many families: it eradicates all habits of recourse to justice and reverence for law; its hostilities are not mitigated by the usages which soften wars between nations; it is carried on with the ferocity of parties who apprehend destruction from each other; and it may leave behind it feuds still more deadly, which may render a country depraved and wretched through a long succession of ages. As it involves a wider waste of virtue and happiness than any other species of war, it can only be warranted by the sternest and most dire necessity. The chiefs of a justly disaffected

party are unjust to their fellows and their followers, as well as to all the rest of their countrymen, if they take up arms in a case where the evils of submission are not more intolerable, the impossibility of reparation by pacific means more apparent, and the chances of obtaining it by arms greater than are necessary to justify the rulers of a nation towards their own subjects for undertaking a foreign war. A wanton rebellion, when considered with the aggravation of its ordinary consequences, is one of the greatest of crimes. The chiefs of an inconsiderable and ill-concerted revolt, however provoked, incur the most formidable responsibility to their followers and their country. An insurrection rendered necessary by oppression, and warranted by a reasonable probability of a happy termination, is an act of public virtue, always environed with so much peril as to merit admiration.

In proportion to the degree in which a revolt spreads over a large body till it approaches unanimity, the fatal peculiarities of civil war are lessened. In the insurrection of provinces, either distant or separated by natural boundaries, more especially if the inhabitants, differing in religion and language, are rather subjects of the same government than portions of the same people, hostilities which are waged only to sever a legal tie may assume the regularity, and in some measure the mildness, of foreign war. Free men, carrying into insurrection those habits of voluntary obedience to which they have been trained, are more easily restrained from excess by the leaders in whom they have placed their confidence. Thus far it may be affirmed, happily for mankind, that insurgents are most humane where they are likely to be most successful. But it is one of the most deplorable circumstances in the lot of man, that the subjects of despotic governments, and still more those who are doomed to personal slavery, though their condition be the worst, and their revolt the most just against their tyrants, are disabled to conduct it to a result beneficial to themselves by the very magnitude of the evils under which they groan; for the most fatal effect of the yoke is, that it darkens the understanding and debases the soul, and that the victims of long

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oppression, who have never imbibed any noble principle of obedience, throw off every curb when they are released from the chain and the lash. In such wretched conditions of society, the rulers may, indeed, retain unlimited power as the moral guardians of the community, while they are conducting the arduous process of gradually transforming slaves into men; they cannot justly retain it without that purpose, or longer than its accomplishment requires; and the extreme difficulty of such a reformation, as well as the dire effects of any other emancipation, ought to be deeply considered, as proofs of the enormous guilt of those who introduce any kind or degree of unlimited power, as well as of those who increase, by their obstinate resistance, the natural obstacles to the pacific amendment of evils so tremendous.

The frame of the human mind, and the structure of civilised society, have adapted themselves to the important differences between civil and foreign war. Such is the force of the considerations which have been above enumerated; so tender is the regard of good men for the peace of their native country, so numerous are the links of interest and habit which bind those of a more common sort to an establishment, so difficult and dangerous is it for the bad and bold to conspire against a tolerably vigilant administration; the evils which exist in moderate governments appear so tolerable, and those of absolute despotism so incorrigible, that the number of unjust wars between states unspeakably surpasses those of wanton rebellions against the just exercise of authority. Though the maxim, that there are no unprovoked revolts, ascribed to the Duc de Sully, and adopted by Mr. Burke[a], cannot be received without exceptions, it must be owned that in civilised times mankind have suffered less from a mutinous spirit than from a patient endurance of bad government.

Neither can it be denied that the objects for which revolted subjects take up arms do, in most cases, concern their safety and well-being more deeply than the interests of states are in general

[a] L'Ecluse, Mém. de Sully. Burke, Thoughts on the present Discontents.

affected by the legitimate causes of regular war. A nation may justly make war for the honour of her flag, or for dominion over a rock, if the one be insulted, and the other be unjustly invaded; because acquiescence in the outrage or the wrong may lower her reputation, and thereby lessen her safety. But if these sometimes faint and remote dangers justify an appeal to arms, shall it be blamed in a people who have no other chance of vindicating the right to worship God according to their consciences, to be exempt from imprisonment and exaction at the mere will and pleasure of one or a few, to enjoy as perfect a security for their persons, for the free exercise of their industry, and for the undisturbed enjoyment of its fruits, as can be devised by human wisdom under equal laws and a pure administration of justice? What foreign enemy could do a greater wrong to a community than the ruler who would reduce them to hold these interests by no higher tenure than the duration of his pleasure? What war can be more necessary than that which is waged in defence of ancient laws and venerable institutions, which, as far as they were suffered to act, had for ages approved themselves to be the guard of all these sacred privileges, the shield which protects reason in her fearless search of truth, and conscience in the performance of her humble duty towards God; the spur which rouses to the utmost every faculty of man; the nursery of genius and valour, the spur of probity, humanity, and generosity?

As James was unquestionably an aggressor, and the people of England drew their swords only to prevent him from accomplishing a revolution which should change a legal and limited power into lawless despotism, it is needless, on this occasion, to moot the question, whether arms may be as justly wielded to obtain as to defend liberty. It may, however, be observed, that the rulers who obstinately persist in withholding from their subjects securities for good government, obviously necessary for the permanence of that blessing, generally desired by competently informed men, and capable of being introduced without danger to public tranquillity, appear thereby to place themselves in a state of hostility against

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the nation whom they govern. Wantonly to prolong a state of insecurity seems to be as much an act of aggression as to plunge a nation into that state; when a people discover their danger, they have a moral claim on their governors for security against it. As soon as a distemper is discovered to be dangerous, and a safe and effectual remedy has been found, those who withhold the remedy are as much morally answerable for the deaths which may ensue as if they had administered poison.

But though a reformatory revolt may in these circumstances become perfectly just, it has not the same likelihood of a prosperous issue with those insurrections which are more strictly and directly defensive. A defensive revolution, of which the sole purpose is to preserve and secure the laws, has a fixed boundary, conspicuously marked out by the well-defined object which it pursues, and which it seldom permanently over-reaches; and is thus exempt from that succession of changes which disturbs all habits of peaceable obedience, and weakens every authority not resting on mere force.

Right of calling in auxiliaries.

Whenever war is justifiable, it is lawful to call in auxiliaries. But though always legitimate against a foreign or domestic enemy, it is often in civil contentions peculiarly dangerous to the wronged people themselves. It exposes them to the peril of becoming the slaves of the foreign prince who enters as their ally; it must always hazard national independence, and will therefore be the last resource of those who love their country. Good men, more especially if they are happy enough to be the natives of a civilised, and still more of a free country, religiously cultivate their natural repugnance to a remedy of which despair alone can warrant the employment. Yet the dangers of seeking foreign aid vary extremely in different circumstances. These variations are chiefly regulated by the power, the interest, and the probable disposition of the auxiliary to become an oppressor. The perils are the least where the inferiority of national strength in the foreign ally is such as to forbid all projects of conquest, and where the independence and greatness of the nation to be succoured are the main or sole bulwarks of his own.

Relation of the people of England and of Holland.

These fortunate peculiarities were all to be found in the relations between the people of England and the republic of the United Provinces; and the two nations were further united by their common apprehensions from France, by no obscure resemblance of national character, by the strong sympathies of religion and liberty, by the remembrance of the renowned reign in which the glory of England was founded on her aid to Holland, and perhaps, also, by the esteem for each other which both these maritime nations had learned in the fiercest and most memorable combats which had been then celebrated in the annals of naval warfare.

The British people derived a new security against the dangers of foreign interposition from the situation of him who was to be the chief of the enterprise to be attempted for their deliverance, who had as deep an interest in their safety and well-being as in those of the nation whose forces he was to lead to their aid. William of Nassau, Prince of Orange, Stadtholder of the republic of the United Provinces, was, before the birth of the Prince of Wales, first prince of the blood royal of England; and his consort, the Lady Mary, the eldest daughter of the King, was at that period presumptive heiress to the crown. It is now, then, time to turn our attention towards that great man, the deliverer of Holland and the preserver of Europe; from whom alone the people of England hoped for deliverance, and who, without their powerful aid, would have been unable to secure the independence of civilised nations, the sole object of his glorious life.

CHAP. XI.

EXTRACTION OF THE HOUSE OF ORANGE. — REVIEW OF THE STRUGGLES IN THE NETHERLANDS. — CHARACTER, SITUATION, AND PROJECTS OF WILLIAM III. — INTRIGUES OF CHARLES II. — FATE OF THE WAR. — RESULTS OF THE TREATY OF NIMEGUEN. — AGGRANDISEMENT OF LOUIS XIV. — AUSTRIA. — THE NETHERLANDS. — ENGLAND. — POPISH PLOT. — BILL OF EXCLUSION. — CONNECTION OF ENGLISH AFFAIRS WITH WILLIAM'S POLICY.

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Extraction of the House of Orange.

The house of Nassau stood conspicuous, at the dawn of modern history, among the noblest of the ruling families of Germany. In the thirteenth century, Adolphus of Nassau succeeded Rodolph of Hapsburg in the imperial crown, the highest dignity of the Christian world. A branch of this ancient house acquired ample possessions in the Netherlands, together with the principality of Orange in Provence; and under Charles V., William of Nassau was the most potent lord of the Burgundian provinces. Educated in the palace and almost in the chamber of the emperor, he was nominated in the earliest years of manhood to the government of Holland[a] and the command of the imperial army by that sagacious monarch, who, in the memorable solemnity of abdication[b], leant upon his shoulder as the first of his Belgic subjects. The same eminent qualities which recommended him to the confidence of Charles awakened the jealousy of Philip II., whose anger, breaking through all the restraints of his wonted simulation, burst into furious reproaches against the Prince of Orange as the fomenter of the resistance of the Flemings to the destruction of their privileges. Among the three rulers who, perhaps unconsciously, were

William I.

[a] By the ancient name of Stadthouder (whence the English term Stadtholder) or Lieutenant of Holland. Kluyt, Vetus Jus Pub. Belg. p. 364.; and Wagenaar, Vaderland. Hist., in many places.

[b] 25th Oct. 1555, when the Prince of Orange had entered his twenty-third year.

stirred up at the same moment to preserve the civil and religious liberties of mankind, William I. must be owned to have wanted the brilliant and attractive qualities of Henry IV., and to have yielded to the commanding genius of Elizabeth; but his principles were more inflexible than those of the amiable hero, and his mind was undisturbed by the infirmities and passions which lowered the illustrious queen. Though he performed great actions with weaker means than theirs, his course was more unspotted. Faithful to the King of Spain as long as the preservation of the commonwealth allowed, he counselled the Duchess of Parma against all the iniquities by which the Netherlands were lost; but faithful also to his country, in his dying instructions he enjoined his son to beware of insidious offers of compromise from the Spaniard, to adhere to his alliance with France and England, to observe the privileges of provinces and towns, and to conduct himself in all things as became the chief magistrate of the republic.[a] Advancing a century beyond his contemporaries in civilised wisdom, he braved the prejudices of the Calvinistic clergy, by contending for the toleration of Catholics, of whom the chiefs had sworn his destruction.[b] Thoughtful, of unconquerable spirit, persuasive though taciturn, of simple character, yet maintaining due dignity and becoming magnificence in his public character, an able commander and a wise statesman, he is perhaps the purest of those who have risen by arms from private station to supreme authority, and the greatest of the happy few who have enjoyed the glorious fortune of bestowing liberty upon a people.[c] The whole struggle of this illustrious prince was against foreign oppression. His posterity, less happy, were engaged in domestic broils, partly arising from their undefined authority, and from the very complicated constitution of the

[a] D'Estrades, from his MSS. in the hands of his youngest son.

[b] Burnet, i. 547.

[c] Even Strada himself bears one testimony to this great man, which outweighs all his vain reproaches. "Nec postea mutavere (Hollandi) qui videbant et gloriabantur ab *unius hominis* conatu cæptisque illi utcunque infelicibus assurgere in dies Hollandicum nomen imperiumque. Strada de Bello Belgico. Dec. ii. lib. v., sub ann. 1584.

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commonwealth, of which a general outline seems necessary to be inserted in this place.

Review of the struggles in the Netherlands.

The seven provinces who established their independence made little change in their internal institutions. The revolt against Philip's personal commands was long carried on under colour of his legal authority, conjointly exercised by his lieutenant, the Prince of Orange, and by the states, composed of the nobility and of the deputies of towns, who had before shared a great portion of it. But, being bound to each other by an indissoluble confederacy, established at Utrecht in 1579, the care of their foreign relations and of all their common affairs was entrusted to delegates, sent from each, who gradually assumed the name of States-general, which had been originally bestowed only on the occasional assemblies of the whole states of all the Belgic provinces. These arrangements, hastily adopted in times of confusion, drew no distinct lines of demarcation between the provincial and federal authorities. Hostilities had been for many years carried on before the authority of Philip was finally abrogated; and after that decisive measure the states showed considerable disposition to the revival of a monarchical power in the person of an Austrian or French prince, or of the Queen of England. William I. seems about to have been invested with the ancient legal character of Earl of Holland at the moment of his murder.[a] He and his successors were Stadtholders of the greatest provinces, and sometimes of all; they exercised in that character a powerful influence on the election of the magistrates of towns; they commanded the forces of the confederacy by sea and land; they combined the prerogatives of their ancient magistracy with the new powers, of which the necessities of war seemed to purify the assumption, and they became engaged in constant disputes with the great bodies, whose pretensions to an undivided sovereignty were as recent and as little defined as their own rights. The province of Holland formed the main strength of the confederacy; the city of Amsterdam

[a] Pestel, Comm. de Repub. Batav., ii. 42, 43. Lugd. 1795.

predominated in the councils of that province. The provincial states of Holland, and the patricians in the towns from whom their magistrates were selected, were the aristocratical antagonists of the Stadtholderian power, which chiefly rested on official patronage, on military command, on the favour of the populace, and on the influence of the minor provinces in the States-general. Maurice, the eldest Protestant son of William, surpassed his father in military genius, but fell far short of him in that moderation of temper and principle which is the most indispensable virtue of the leader of a free state. The blood of Barneveldt and the dungeon of Grotius have left an indelible stain on his memory; nor is it without apparent reason[a] that the aristocratical party have charged him with projects of usurpation natural to a family of republican magistrates allied by blood to all the kings of Europe, and distinguished by many approaches and pretensions to the kingly power, which they were always tempted and sometimes provoked to pursue. Henry Frederick, his successor, was the son of William I. by Louise de Coligny; a woman singular in her character as well as in her destiny; who, having seen her father and the husband of her youth murdered at the massacre of Saint Bartholomew, was doomed to witness the fall of a more illustrious husband by the hand of an assassin of the same faction, and who in her last widowhood earned the affection of William's children by former wives, so as to ensure their protection to a son whom she inspired with her own virtues. Having maintained the fame of his family in war, he was happier than his more celebrated brother in a domestic administration, which was moderate, tolerant, and unsuspected.[b] He lived to see the final recognition of Dutch independence by the treaty of Munster, and was succeeded by his son, William II., who, after a short and turbulent rule, died in 1650, leaving his widow, the Princess Royal of England, pregnant, who was delivered of her only child, William III., on the 14th of

[a] Aubery Dumaurier. Mémoires de la Hollande, 293. Vandervynkt. Troubles des Pays Bas, iii. 27.

[b] D'Estrades, i. 55. Aubery Dumaurier.

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Birth of William III.

November, 1650, eight days after the death of his father. This posthumous orphan, of feeble frame, with early indications of distemper, seemed to be involved in the cloud of misfortune which then covered the deposed and exiled family of his mother. The patricians of the commercial cities, who had gathered strength with their rapidly increasing wealth, were incensed at the late attack of William II. on Amsterdam; they were emboldened by the establishment of a republic in England, and prejudiced, not without reason, against the Stuart family, whose absurd principle of the divine right of kings always disposed James I. to regard the Dutch as no better than successful rebels[a], and led his son, in 1631, a period of profound peace and professed friendship with Holland, to conclude a secret treaty with Spain for the partition of the Republic, in which England was to be rewarded for treachery and rapine by the sovereignty of Zealand.[b] Under these circumstances the aristocratical republicans found no difficulty in persuading the States to assume all the authority hitherto exercised by the Stadtholder, without fixing any period for conferring on the infant Prince the dignities which had been enjoyed by three generations of his family. At the peace of 1654, the States of Holland bound themselves by a secret article, yielded with no great reluctance to the demands of Cromwell, never to choose the Prince of Orange to be their Stadtholder, nor to consent to his being appointed Captain-general of the forces of the confederacy; a separate stipulation, at variance with the spirit of the union of Utrecht, and disrespectful to the judgment of the weaker confederates, if not injurious to their rights.[c] After the Restoration, however, this engagement lost its power. But when the Prince of Orange had nearly reached years of discretion, and when the brilliant operations of a military campaign against Eng-

[a] "In his table discourse he pronounced the Dutch to be rebels, and condemned their cause, and said that Ostend *belonged* to the Archduke." Carte, iii. 714.

[b] Clarendon, State Papers, i. 49., and ii. App. xxvii.

[c] Cromwell was prevailed upon to content himself with this separate stipulation, very imperfect in form, but which the strength of the ruling province rendered in substance sufficient. Whitelock, Memor., 12th May, 1684.

land had given new vigour to the republican administration, John De Witt, who, under the modest title of pensionary of Holland, had long directed the affairs of the confederacy with a success and reputation due to his matchless honesty and prudence[a], prevailed on the States of Holland to pass a law, entitled, "A perpetual Edict for the Maintenance of Liberty," by which they abolished the Stadtholdership in their own province, and agreed to take effectual means to obtain from their confederates edicts excluding all those who may be Captain-generals from the Stadtholdership of any of the provinces, binding themselves and their successors by oath to observe these provisions, and imposing the like oath on all who may be appointed to the chief command by land or sea.[b] Guelderland, Utrecht, and Overyssell acceded. Friesland and Groningen, then governed by a Stadtholder of another branch of the family of Nassau, were considered as not immediately interested in the question. Zealand alone, devoted to the House of Orange, resisted the separation of the supreme military and civil offices. On this footing De Witt professed his readiness to confer the office of Captain-general on the Prince, as soon as he should be of fit age. He was allowed to take his seat in the Council of State, and took an oath to observe the perpetual edict.[c] His opponents struggled to retard his military appointment, to shorten its duration, and to limit its powers. His partisans, on the other hand, supported by England, and led by Amelia of Solms, the widow of Prince Henry, a woman of extraordinary ability, who had trained the young Prince with parental tenderness, seized every opportunity of pressing forward his nomination, and of preparing the way for the enlargement of his authority. This contest might have been longer protracted, if the conspiracy of

[a] It can hardly be injurious to the memory even of this great man, to appeal to the testimony of Sir William Temple, a man of such sense and integrity, who was generally opposed in politics to De Witt, and who wrote after his death. Temple on the United Provinces, chap. iv.

[b] 3d August, 1667. The immediate occasion of this edict seems to have been a conspiracy, for which one Buat, a spy employed by Lord Arlington, was executed in 1666. Hist. de J. D. De Witt, liv. ii., chap. ii. Utrecht, 1709.

[c] Sir William Temple's Despatches to Lord Arlington.

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Louis and Charles, and the occupation of the greater part of the country by the army, had not brought undeserved reproach on the administration of De Witt. Fear and distrust became universal; every man suspected his neighbour; accusations were heard with greedy credulity; misfortunes were imputed to treachery, and the multitude cried aloud for human victims. The incorporate officers of the great towns, originally chosen by the burghers, had, on the usual plea of avoiding tumult, obtained the right of filling up all vacancies in their own number. They thus strengthened their power, but destroyed their security. No longer connected with the people by election, the aristocratical families received no fresh infusion of strength, and had no hold on the attachment of the community. They formed, indeed, the better part of the people; they had raised the fishermen of a few marshy districts to be one of the greatest nations of Europe. But the misfortunes of a moment banished the remembrance of their services; their grave and harsh virtues were more unpopular than vices; the needs and disasters of war served to heighten the plebeian clamour, and to strengthen the military power which formed the combined force of the Stadtholderian party. It was in vain that the republicans endeavoured to satisfy that party, and to gain over the King of England by the nomination of the Prince of Orange to be Captain-general.[a] Charles was engaged in deeper designs.[b] The progress of the French arms still farther exasperated the populace, and the republicans incurred the reproach of treachery by a disposition, perhaps carried to excess, to negotiate with Louis XIV. at a moment when all negotiation wore the appearance of submission. So it had formerly happened. Barneveldt was friendly to peace with Spain, and Maurice saw no safety but in arms. Men equally wise and honest may differ on

[a] 25th February, 1672. Wagenaar.

[b] Peter de Groot, the son of Grotius, ambassador from the states at Paris, had discovered the secret treaty for the destruction of Holland, concluded by the Duchess of Orleans at Dover, on the 22d of May, 1670; to which De Witt alluded in his conversations with Temple.—Summary of Treaty in Rose's Observations on Fox, collated in June, 1825, with MSS. in the possession of Lord Clifford.

the difficult and constantly varying question, whether uncompromising resistance, or a reservation of active effort for a more favourable season, be the best mode of dealing with a formidable conqueror. The dangers of either course are often so great that it may be hard, even after the event, to pronounce a sound judgment. Though the war policy of Demosthenes terminated in the destruction of Athens, we dare not affirm that the pacific system of Phocion would have saved it. In the contest of Maurice with Barneveldt, and of De Witt with the adherents of the House of Orange, both parties had an interest distinct from that of the commonwealth, for the influence of the States grew in peace, and the authority of the Captain-general was strengthened by war. The populace revolted against their magistrates in all the towns, and the States of Holland were compelled to repeal the edict, which they called perpetual, to release themselves and all the officers from the oath which they had taken to observe it, and to confer on the Prince the office of Stadtholder[a], which they deemed it dangerous to join to the military command. In two years after the Stadtholdership, hitherto elective for life, was made hereditary to his descendants. The popular commotions which produced this revolution were stained by the murder of John and Cornelius De Witt, a crime perpetrated with such brutal ferocity, and encountered with such heroic serenity, that it may almost seem to be doubtful whether the glory of having produced such pure sufferers may not in some degree console a country for having given birth to assassins so atrocious. These excesses are singularly at variance with the calm and orderly character of the Dutch; but it is mere justice to observe, that, in the first century of their commonwealth, both the parties which divided it were fruitful in great men, who acted and suffered with equal dignity in those tragic scenes of which the contemplation strengthens and exalts human nature. Perhaps no free state has, in proportion to its magnitude, contributed more amply to the amendment of mankind by examples of public virtue.

[a] 4th July, 1672. Wagenaar.

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The Prince of Orange, thus hurried to the supreme authority at the age of twenty-two, was ignorant of these crimes, and avowed his abhorrence of them. The murders were perpetrated more than a month after his highest advancement, when they could produce no effect but that of bringing odium upon his party. But it must be for ever deplored that the extreme danger of his position should have prevented him from punishing the offences of his partisans, till it seemed too late to violate that species of tacit amnesty which time insensibly establishes. It would be impossible ever to excuse this unhappy impunity, if we did not call to mind that Louis XIV. was at Utrecht, that the populace of the Hague had imbrued their hands in the blood of the De Witts, and that the magistrates of Amsterdam might be disposed to avenge on their country the cause of their virtuous chiefs. Henceforward the Prince directed the counsels and arms of Holland. He gradually formed and led a confederacy to set bounds to the ambition of Louis XIV.; and he became by his abilities and dispositions, as much as by his position, the second person in Europe. From that moment, also, he began to act as a personage of the utmost importance in the internal history of England.

His character.

We possess unsuspected descriptions of his character from observers of more than ordinary sagacity, who had an interest in watching its developement, before it was surrounded by the dazzling illusions of power and fame. Among the most valuable of these witnesses were some of the subjects and servants of Louis XIV. At the age of eighteen the Prince's good sense, knowledge of affairs, and seasonable concealment of his thoughts, attracted the attention of Gourville, a man of experience and discernment. St. Evremond, though himself distinguished chiefly by vivacity and accomplishments, saw the superiority of William's powers through his silence and coldness. After long intimacy, Sir William Temple describes his great endowments and excellent qualities, his (then almost singular) combination of "charity and religious zeal," "his desire (rare in every age) to grow great rather by the service than the servitude of his country:" language so

manifestly considerate, discriminating, and unexaggerated, as to bear on it the inimitable stamp of truth, in addition to the weight which it derives from the probity of the writer. But, of all those who have given opinions of the young Prince, there is none whose testimony is so important as that of Charles II. That monarch, in the early part of his reign, was desirous of gaining an ascendant in Holland by the restoration of the House of Orange, and of subverting the government of De Witt, whom he never forgave for his share in the treaty with the English Republic. Some retrospect is necessary, to explain the experiment by which that monarch both ascertained and made known the ruling principles of his nephew's mind.

Retrospect of the intrigues of Charles II.

The mean negotiations about the sale of Dunkirk betrayed to Louis XIV. the passion of Charles for French money. He, at the same time, offered to the French ambassador to aid Louis in the conquest of Flanders, on condition of receiving French succours against the revolt of his own subjects.[b] He strongly expressed his desire of an offensive and defensive alliance with Louis XIV., in 1664, to Ruvigny, one of the most estimable of that monarch's agents[c]; but the most pernicious of Charles's vices, never bridled by any virtue, were often mitigated by the minor vices of indolence and irresolution. Even the love of pleasure, which made him needy and rapacious, unfitted him for undertakings full of toil and peril. Projects for circumventing each other in Holland, which Charles aimed at influencing through the House of Orange, and Louis hoped to master through the republican party, retarded their secret advances to an entire union. De Witt was compelled to consent to some aggrandisement of France, rather than expose his country to a war not to be attempted, without the co-operation of the King of England, who was ready to betray a hated ally. The first Dutch war appears to have arisen

a D'Estrades, i., which contradicts Clarendon's account.

b D'Estrades, v. 450. Ed. London, 1743.

c Mémoire de Ruvigny au Roi. 3ème Juill. 1668. Dalrymple, ii. 11. D'Estrades, v. 18th Dec. 1664. 20th Dec. 1663.

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from the passions of both nations, and their pride of maritime supremacy; employed by Charles as instruments to obtain booty at sea, and supply from his parliament; and by Louis as the means of enabling him, without opposition, to seize the Spanish Netherlands. When that war was closed by the peace of Breda[a], the Court of England seemed for a moment to have changed its maxim, by the conclusion of the Triple Alliance, which prescribed some limits to the ambition of France[b]; a system which De Witt, as soon as he met so honest a negotiator as Sir William Temple, eagerly and joyfully hastened to embrace.

Temple was, however, duped by his master. It is probable that the Triple Alliance was the result of a fraudulent project, suggested originally by Gourville to ruin De Witt, by embroiling him with France beyond the probability of reconciliation.[c] Charles made haste to disavow the intentions professed in that alliance, and to attribute the contrary appearances to the coldness with which France received his earnest and importunate proposals for a closer connection.[d] A negotiation for a secret treaty with France was immediately opened, partly by the personal intercourse of Charles with the French ministers at his court, but chiefly through his sister, the Duchess of Orleans; an amiable princess, probably the only person whom he ever loved. This correspondence, which was concealed from those of his ministers who were not either Catholics or well affected to the Catholic religion[e], lingered for about two years, till the secret treaty was concluded at Dover, in May, 1670,

[a] July, 1667. [b] January, 1668.

[c] Mém. de Gourville, ii. 14—18. and 160. Ed. Paris, 1724.

[d] Charles II. to Duchess of Orleans, $\frac{13}{23}$ Jan. 1668. Dal. ii. 5.

[e] This treaty has been laid to the charge of the cabinet called the Cabal, unjustly, for, of the five members of that administration, two only, Clifford and Arlington, were privy to the designs of the King and the Duke of York. Ashley and Laud were too zealous Protestants to be trusted with it. Buckingham (whatever might be his indifference in religion) had too much levity to be trusted with such secrets, but he was so penetrating that it was thought prudent to divert his attention from the real negotiation, by engaging him in negotiating a simulated treaty, in which the articles favourable to the Catholic religion were left out. On the other hand, Lord Arundel and Sir R. Belling, Catholics, not of the Cabal, were negotiators.

under cover of a visit made by the Duchess to her brother.[a] The essential stipulations of this unparalleled compact were three:—that Louis should advance money to Charles, to enable him the more safely to execute what is called in the treaty "A declaration of his adherence to the Catholic religion," and support him with men and money, if that measure should be resisted by his subjects; that both powers should join their arms against Holland, the islands of Walcheren and Cadsand being allotted to England as her share of the prey, in a manner which clearly left the other territories of the Republic at the disposal of Louis; and that England should aid Louis in any new pretensions to the crown of Spain, or, in other and plainer language, enable him, on the very probable event of Charles II. of Spain dying without issue[b], to incorporate with a monarchy already the greatest in Europe the long-coveted inheritance of the House of Burgundy, and the two vast peninsulas of Italy and Spain. The strength of Louis would thus have been doubled at one blow, and all limitations to his farther progress on the Continent must have been left to his own moderation. It is hard to imagine what should have hindered

[a] $\frac{22 \text{ May,}}{1 \text{ June,}}$ 1667; signed by Lords Arlington and Arundel, Thomas Clifford, and Sir R. Belling on the part of the King of England; and by Colbert de Croissy, the brother of the celebrated financier, on the part of France. Rose, Observ. on Fox, 51. Summary collated with the original, in the hands of the present Lord Clifford. The draft of the same treaty, sent to Paris by Arundel, does not materially differ. Dalrymple, ii. 44. "The Life of James II.," i. 440—450., agrees, in most circumstances, with these copies of the treaties, and with the correspondence. There is one important variation. In the treaty it is stipulated that Charles's measures in favour of the Catholic religion should precede the war against Holland, according to the plan which he had always supported. "The Life" says, that the resolution was taken at Dover to begin with the war against Holland. But the despatch of Colbert from Dover, $\frac{20}{30}$ May (Dal. ii. 57.), almost justifies the statement, which may refer to a verbal acquiescence of Charles, probably deemed sufficient in these clandestine transactions, where that prince desired nothing but such assurances as satisfy gentlemen in private life. It is true that the narrative of the Life is not here supported by those quotations from the King's original Memoirs, on which the credit of the compilation essentially depends. But as in the eighteen years, 1660—1678, which exhibits no such quotations, there are internal proofs that some passages, at least, of the Life are taken from the Memoirs, the absence of quotation does not derogate so much from the credit of this part of the work as it would from that of any other. Edinb. Review, xxvi. 402—430.

[b] Charles II., King of Spain, was then a feeble and distempered child of nine years old.

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him from rendering his monarchy universal in the civilised world. The port of Ostend, the island of Minorca, and the permission to conquer Spanish America, with a very vague promise of assistance of France, were assigned to England as the wages of her share of this conspiracy against mankind.

The fearful stipulations for rendering the King of England independent of Parliament, by a secret supply of foreign money, and for putting into his hands a foreign military force, to be employed against his subjects, were, indeed, to take effect only in case of the avowal of his reconciliation with the church of Rome. But as he represented it himself as a re-establishment of that Catholic Church, as he considered it as essential to the consolidation of his authority, which the mere avowal of his religion would rather have weakened, and the bare toleration of it could little, if at all, promoted; as he confessedly meditated measures for quieting the alarms of the possessors of church lands, whom the simple letter of the treaty could not have much disturbed; as he proposed a treaty with the Pope to obtain the cup for the laity, and the mass in English[a], concessions which are scarcely intelligible without the supposition that the Church of Rome was to be established; as he concealed this article from Shaftesbury, who must have known his religion, and was then friendly to a toleration of it; and as other articles were framed for the destruction of the only powerful Protestant state on the Continent, there cannot be the slightest doubt that the real object of this atrocious compact, however disguised under the smooth and crafty language of diplomacy, was the forcible imposition of a hated religion[b] upon the British nation, to which the conspirators foresaw a national resistance, to be stifled or quelled by a foreign army. It was evident that the most tyrannical measures would have been necessary for the accomplishment of such purposes, and that the

[a] Dalry. ii. 84. Colb. 3d June, 1672.

[b] It is but just to mention, that Burnet mentions the "*toleration* of popery," Burn. i. *526*. He had seen only Primi's history, and he seems to speak of the negotiation carried on through Buckingham, from whom we know that the full extent of the plan was concealed.

transfer of all civil, military, and ecclesiastical power to the members of a communion, who had no barrier against public hatred but the throne, must have tended to render the power of Charles absolute, and afforded him the most probable means of effectually promoting the plans of his ally for the subjugation of Europe. If the foreign and domestic objects of this treaty be considered, together with the means by which they were to have been accomplished, and the dire consequences which must have flowed from their attainment, it seems probable that so much falsehood, treachery, and mercenary meanness were never before combined in the decent formalities of a solemn compact between sovereigns, with such premeditated bloodshed and unbridled cruelty, for the purpose of overthrowing the independence of all nations, and for ever subjecting mankind to civil tyranny and religious persecution. The only semblance of virtue in the dark plot was the anxiety shown to conceal it; which, however, arose more from the fears than the shame of the conspirators. In spite of all their precautions it transpired. The secret was extorted from Turenne, in a moment of weakness, by a young mistress, as a condition of favour to an aged lover.[a] He disclosed some of the secret correspondence to Puffendorf, the Swedish minister at Paris, to detach the Swedes from the triple alliance[b], and it was made known by that minister as well as by De Groot, the Dutch ambassador at Paris, to De Witt, who had never ceased to distrust the sincerity of the Stuarts towards Holland.[c] The suspicions of Temple himself were early awakened; and he seems to have in some measure played the part of a willing dupe, in the hope of

[a] Mémoires de Choisy; and Charles II. to the Duchess of Orleans, 20th January, 1669. Dalrymple, ii. 20. Louis XIV. forgave him, observing, that lovers of sixty must purchase favour by extraordinary sacrifices. It derogates from the glory of Bossuet that this unseasonable amour should nearly coincide in time with the conversion of Turenne to the Roman Catholic communion, which was ascribed to a celebrated work of the great controversialist. The narrative of Choisy is confirmed by Ramsay, Hist. de Turenne, i. 429. Paris, 1735.

[b] Sir W. Temple to Sir Orlando Bridgman, 24th April, 1669.

[c] De Witt observed to Temple, even in the days of the triple alliance:—"A change of councils in England would be our ruin. Since the reign of Elizabeth there has been such a fluctuation in the English councils that it has been impossible to concert measures with them for two years."

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entangling his master in honest alliances. The substance of the secret treaty was the subject of general conversation at the Court of England at the time of Puffendorf's discovery.[a] A pamphlet published, or at least printed, in 1673, intelligibly hints at such a treaty, influenced by corruption, "about four years before."[b] Not long after, Louis XIV., in a moment of dissatisfaction with Charles II., permitted or commanded the Abbate Primi to print a history of the Dutch war at Paris, which derived credit from being soon suppressed at the instance of the English minister, and which gave an almost verbally exact summary of the secret treaty, with respect to three of its objects,—the partition of Holland, the re-establishment of the Catholic religion in the British Islands, and the absolute authority of the King.[c] The project for the dismemberment of Holland, adopted by Charles I. in 1631[d], appears to have been entertained by his eldest son till the last years of his reign.[e]

As one of the articles of the secret treaty had provided a petty sovereignty for the Prince of Orange out of the ruins of his country, Charles took the opportunity of his nephew's visit to England, in October 1670[f], to sound him on a project which was thus baited for his concurrence. "All the Protestants," said the King, "are a factious body, broken among themselves since they have been broken from the main stock. Look into these things better; do not be misled by your Dutch blockheads."[g] The King immediately imparted the failure of his attempt to the French

[a] Pepys' Diary, 28th April, 1669. "For a sum of money we are to make a league with France. The money will so help the King that he will not need the parliament. We must leave the Dutch, and that I doubt will undo us. It will make the parliament and kingdom mad."

[b] England's Appeal from the Private Cabal at Whitehall. Tracts in the reign of Car. II. London, 1689, folio.

[c] State Trials in the reign of W. III., i. Introd. 10. Lond. 1705, fol.

[d] Clar. State Papers.

[e] MSS. Plan of a joint war against Holland in the last six months of 1682, in Lord Preston's papers, in the possession of Sir James Graham, of Netherby.

[f] Evelyn's Diary, 4th Nov. 1670.

[g] Burnet, i. 475.

ambassador; "I am satisfied with the Prince's abilities, but I find him too zealous a Dutchman and a Protestant to be trusted with the secret."[a] But enough had escaped to disclose to the sagacious youth the purposes of his uncle, and to throw a strong light on the motives of all his subsequent measures. The inclination of Charles towards the Church of Rome could never have rendered a man so regardless of religion solicitous for a conversion, if he had not considered it as subservient to projects for the civil establishment of that church, which, as it could subsist only by his favour, must have been the instrument of his absolute power. Astonished as William was by the discovery, he had the fortitude during the life of Charles to conceal it from all but one friend, or at most two. It was reserved for later times to discover, that Charles had the inconceivable baseness to propose the detention of his nephew in England, where the temptation of a sovereignty, being aided by the recovery of his freedom, might act more powerfully on his mind; and that this proposal was refused by Louis, either from magnanimity, or from regard to decency; or, perhaps, from reluctance to trust his ally with the sole disposal of so important a prisoner.[b]

When the French army had advanced into the heart of Holland, the fortitude of the Prince was unshaken. Louis offered to make him sovereign of the remains of the country, under the protection of France and England. But at that moment of extreme peril, he answered with his usual calmness, "I never will betray a trust, nor sell the liberties of my country, which my ancestors have so long defended." All around him despaired. One of his very few confidential friends, after having long expostulated with him on his fruitless obstinacy, at length asked him, if he had considered how and where he should live after Holland was lost. "I have thought of that," he replied: "I am resolved to live on the lands

[a] Colbert au Roi, 4th Dec. 1670. Dalrymple, ii. 70.

[b] Dalrymple, ii. 79. Summary of Letters between Colbert De Croissy and his Court in October and November, 1670. It is unfortunate that neither the originals, nor extracts from them are given.

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I have left in Germany. I had rather pass my life in hunting there than sell my country or my liberty to France at any price."[a] Buckingham and Arlington were sent from England to try, whether, beset by peril, the lure of sovereignty might not seduce him. The former often said, "Do you not see that the country is lost?" The answer of the Prince to the profligate buffoon spoke the same unmoved resolution with that which he had made to Zuleystein or Fagel; but it naturally rose a few degrees towards animation:—"I see it is in great danger, but there is a sure way of never seeing it lost; and that is, to die in the last ditch."[b] The perfect simplicity of these declarations may, perhaps, authorise us to rank them among the most genuine specimens of true magnanimity which human nature has produced. Perhaps the history of the world does not hold out a better example, how high above the reach of fortune the pure principle of obedience to the dictates of conscience, unalloyed by interest, passion, or ostentation, can raise the mind of a virtuous man. To set such an example is an unspeakably more signal service to mankind, than all the outward benefits which flow to them from the most successful virtue. It is independent of events, and it burns most brightly in adversity; the only agent, perhaps, of power to call forth the native greatness of soul which lay hid under the cold and unattractive deportment of the Prince of Orange.

Fate of the war.

His situation in 1672 was calculated to ascertain whether his actions would correspond with his declarations. Beyond the important country extending from Amsterdam to Rotterdam, a district of about forty miles in length, the narrow seat of the government, wealth, and force of the commonwealth, which had been preserved from invasion by the bold expedient of inundation, out of which the cities and fortresses arose like islands, little remained of the republican territory except the fortress of Maestricht, the marshy islands of Zealand, and the secluded province of

[a] Temple, i. 381., folio; London, 1721. Memoirs, 1672—1679. This friend was probably his uncle Zuylestein, for the conversation passed before his intimacy with Bentinck.

[b] Burnet, i. 569.

Friesland. A French army of a hundred and ten thousand men, encouraged by the presence of Louis XIV., and commanded by Condé and Turenne, had their head-quarters at Utrecht, within about twenty miles of Amsterdam, and impatiently looked forward to the moment when the ices of winter should form a road to the spoils of that capital of the commercial world. On the other side, the hostile flag of England was seen from the coast. The Prince of Orange, a sickly youth of twenty-two, without fame or experience, had to contend against such enemies at the head of a new government, of a divided people, and a little army of twenty thousand men, either raw recruits or foreign mercenaries, whom the exclusively maritime policy of the late administration had left without officers of skill or name. His immortal ancestor, when he founded the republic about a century before, saw at the lowest ebb of his fortune the hope of aid from England and France. Far darker were the prospects of William III. The degenerate successor of Elizabeth, abusing the ascendant of a parental relation, sought to tempt him to become a traitor to his country for a share in her spoils. The successor of Henry IV. offered him only the choice of being bribed or crushed. Such was the fear of France, that the Court of Spain did not dare to aid him, though their only hope was from his success. The German branch of the house of Austria was then entangled in a secret treaty with Louis, by which the Low Countries were ceded to him, on condition of his guaranteeing to the Emperor the reversion of the Spanish monarchy on the death of Charles II. without issue. No great statesman, no illustrious commander but Montecuculli, no able prince but the great Elector of Brandenburgh, was to be found among the avowed friends or even secret well-wishers of William. The territories of Cologne and Liege, which presented all the means of military intercourse between the French and Dutch frontiers, were ruled by the creatures of Louis XIV. The final destruction of a rebellious and heretical confederacy was foretold with great, but not apparently unreasonable confidence, by the

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zealots of absolute authority in church and state[a]; and the inhabitants of Holland began seriously to entertain the heroic project of abandoning an enslaved country, and transporting the commonwealth to their dominions in the Indian islands. At this awful moment fortune seemed to pause. The unwieldy magnificence of a royal retinue encumbered the advance of the French army. Though masters of Naerden, which was esteemed the bulwark of Amsterdam, they were too late to hinder the opening of the sluices at Murden, which drowned the country to the gates of that city. Louis, more intoxicated with triumph than intent on conquest, lost in surveying the honours of victory the time which should have been spent in seizing its fruits. Impatient of so long an interruption of his pleasures, he hastened to display at Versailles the trophies of a campaign of two months, in which the conquest of three provinces, the capture of fifty fortified places, and of 24,000 prisoners, were ascribed to him by his flatterers.[b] The cumbrous and tedious formalities of the Dutch constitution enabled the Stadtholder to gain some time without suspicion. Even the perfidious embassy of Buckingham and Arlington con-

[a] I subjoin two specimens of the opinions and inclinations of English ministers concerning Holland at that time:—

"Hic jaceo Batavorum celebris respublica,
Ex aquis nata, ex aquis sustentata, nunc aquis mersa.
Exiguis initiis, invidendis fortunis, stupendis incrementis sic crevi,
Ut terris vix æmulam, mare vero parem minime tulerim.
Rebellibus receptaculo, periclitantibus auxilio multis adstiti.
Nunc deseror ab omnibus;
A Gallo et Anglo contra Hispanos defensa;
Nunc ab iisdem opprimor."

Dantzick, 30th Aug. 1672. State Paper Office.

"It is almost certain that at the rate the King of France now goeth, while I am making a circuit to find him, the country will be gone. The French are within two or three leagues of Amsterdam, which, although it hath drowned the country about it, yet the multitude of people, want of fresh water, and, above all, fear, will hinder them from doing the utmost for defence." Lord Halifax to Lord Arlington, Bruges, 3d July, 1672. Downshire MSS.

"In case of the success of the invaders, the Zealanders, all zealous Protestants, have resolved to offer themselves to England. I told the states of that province the King had no fixed resolution to ruin them." The same to the same. Middleburgh, 5th July.

(The above note, when compared with the text to which it refers, may appear to the reader not quite complete, or not quite applicable. It is printed exactly as it was left by Sir James Mackintosh.)

[b] "More than a hundred fortresses and military posts." Œuvres de Louis XIV., iii. 245.

tributed somewhat to prolong negotiations. He amused them for a moment by appearing to examine the treaties they had brought from London, by which France was to gain all the fortresses which commanded the country, leaving Zealand to England, and the rest of the country as a principality to himself.[a] Submission seemed inevitable and speedy, while the inundation rendered military movements inconvenient and perhaps hazardous. The Prince thus obtained a little leisure for the execution of his measures. The people, unable to believe the baseness of the Court of London, were animated by the appearance of the ministers who came to seal their ruin. The government, surrounded by the waters, had time to negotiate at Madrid, Vienna, and Berlin. The Marquis de Monterey, governor of the Catholic Netherlands, without instructions from the Escurial, had the boldness to throw troops into the important fortresses of Dutch Brabant, Breda, Braga-op-Zoom, and Bois-le-Duc, under pretence of a virtual guarantee of that territory by Spain.

In England, the continuance of prorogations for two years[b] relieved the King from parliamentary opposition, but deprived him of sufficient supply; drove him to resources alike inadequate and infamous[c], and foreboded that general indignation which, after the combined fleets of England and France had been worsted by the marine of Holland[d] alone (at the very moment when the remnant of the republic seemed about to be swallowed up), compelled him to desist[e] from the open prosecution of the odious conspiracy against that republic. The emperor Leopold, roused to a just

[a] The official despatches of these ambassadors are contained in a MS. volume, probably the property of Sir W. Trumbull, now in the hands of his descendant, the Marquis of Downshire. These despatches show that the worst surmises, circulated at the time, of the purposes of this embassy, were scarcely so bad as the truth. Ralph, i. 207. *et seq.* This embassy ended in a new treaty between Charles and Louis. Dumont.

[b] From February, 1671, to February, 1673.

[c] Shutting up the Exchequer, 2d January, 1672.

[d] Battle of Southwold Bay, 28th and 29th May, 1672. In these memorable actions even the biographer of James II. in effect acknowledges, that De Ruyter had the advantage. James II., i. 457—476. He thrice encountered the combined fleet without defeat, on the 28th May, the 4th June, and the 11th August, 1673.

[e] Peace between England and Holland, $\frac{9}{19}$ January, 1674.

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sense of the imminent danger of Europe, concluded a defensive alliance with the States-general.[a] The Germanic body generally manifested the same spirit. Frederic William of Brandenburgh, called the Great Elector, took the field in the autumn, in consequence of a defensive alliance which he had concluded with Holland. After the commencement of hostilities[b], Turenne was compelled to march from the Dutch territory to observe, and, in case of need, to oppose, the Austrian and Brandenburgh troops; and the young prince ceased to incur the risk and to enjoy the glory of being opposed to that great commander, who was the grandson of William I.[c], and had been trained to arms under Maurice. The winter of that year was unusually late and short[d]; but as soon as the ice seemed sufficiently solid, Luxemburgh, who was left in command at Utrecht, advanced, in the hope of surprising the Hague. A providential thaw obliged him to retire; his operations were limited to the destruction of two petty towns; and it seems doubtful whether he did not owe his escape to the irresolution or treachery of a Dutch officer entrusted with a post which commanded the line of retreat. At the perilous moment of Luxemburgh's advance, William had the boldness to undertake a long march through Brabant to the attack of Charleroi, which he could not then hope to retain if he could have taken it. But he did more than gain a fortress, by giving spirit to his friends, and we know that his enterprise produced such an effect on his enemies as to interrupt the sleep of Louis XIV.[e] In the ensuing year he began offensive operations with more outward and lasting consequences. Having deceived Luxemburgh, he recovered Naerden[f], and shortly hazard-

[a] 25th July, 1672. Dumont, vii., par. i. 208.

[b] 26th April, 1672. Id. ibid. 194. See also the defensive treaty between Leopold and Frederick Willliam. Berlin, $\frac{15}{25}$ June, 1672. Id. ibid. 201. The English statesmen thought the German alliances could not save Holland:—"Not that we fear the revival of the Hollanders thereby from their desperate condition." Lord Arlington to Sir B. Gascoyne. 26th July, 1672. Miscell. Aul. 74. London, 1702.

[c] By Elizabeth of Nassau, Duchess of Bouillon.

[d] Louis XIV. complains of this hard winter.

[e] Lettre du Roi à Louvois, 23d Dec. 1672,—"à une heure après minuit." Œuvres de Louis XIV., iii. 274.

[f] September, 1673.

ing another considerable march beyond the frontier, he captured the city of Bonn, and thus compelled Turenne to provide for the safety of his army by recrossing the Rhine. The Spanish governor of the Low Countries declared war against France; and Louis was compelled to recall his troops from Holland. Europe now rose on all sides against the monarch who not many months before appeared to be her undisputed lord. So mighty were the effects of a gallant stand by a small people, under an inexperienced chief, without a council or minister but the pensionary Fagel, the pupil and adherent of De Witt; who, actuated by the true spirit of his great master, continued faithfully to serve his country, in spite of the saddest examples of the ingratitude of his countrymen.

The deliverance of Holland in 1672, though the most signal triumph of a free people over mighty invaders since the defeat of Xerxes by the Greeks, which it even surpassed in the important circumstances that the valour of the aggressors was at least equal, while their military discipline, genius, and fame, were superior, has yet been so often related[a], and is so distantly connected with the subject of this work, that the above brief recital of it could scarcely be justified, if it had been possible otherwise to manifest the character of the most important actor in the history of England. In the six years of war which followed, a few particulars only can be mentioned here as contributing to the same end. The Prince commanded in three battles against the greatest generals of France. At Senef[b], it was a sufficient honour that he was not defeated by Condé; and that the veteran declared, on reviewing the events of the day,—"The young Prince has shown all the qualities of the most experienced commander, except that he exposed his own person too much." He was defeated without dishonour at Cassel[c], by Luxemburgh, under the nominal command of the Duke of Orleans. He gained an advantage over the same great general, after an obstinate and bloody action, at

[a] It is due to Voltaire to confess, that the passion to magnify his hero has, on this occasion, yielded to his natural feelings of humanity and justice. Siècle de Louis XIV. chap. xi.

[b] 11th August, 1674. [c] 11th April, 1677.

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St. Denis, near Mons.[a] This last battle was of more doubtful morality than any other of his military life, being fought four days after the signature of a separate treaty of peace by the Dutch plenipotentiaries at Nimeguen.[b] It was not, indeed, a breach of faith, for there was no armistice, and the ratifications were not executed. It is uncertain, also, whether he had information of what passed at Nimeguen; the official despatches from the States-general reached him only the next morning. The treaty was suddenly and unexpectedly brought to a favourable conclusion by the French ministers in one day; and the Prince, who condemned it as alike offensive to good faith and sound policy, had reasonable hopes of obtaining a victory, which, if gained before the final signature, might have determined the fluctuating counsels of the States to the side of vigour and honour. He could not have hoped for this result if he had known that the treaty was signed. The morality of soldiers, even in our age, is not severe in requiring proof of the necessity of bloodshed, if the combat be fair, the event brilliant, and, more particularly, if the commander freely exposes his own life. His gallant enemies warmly applauded this attack, distinguished, as it seems eminently to have been, for the daring valour, which was brightened by the gravity and modesty of his character; and they declared it to be "the only heroic action of a six years' war between all the great nations of Europe." It is agreed, that if the official despatches had not hindered him from prosecuting the attack on the next day with the English auxiliaries, who must then have joined him, he was likely to have changed the fortune of the war.[c] Had he been more scrupulous on this occasion, his conduct would have been more blameless; but it may be doubted whether the frame of mind which would have disposed him to yield to such scruples would have fitted him better for performing the great duty of his life.

[a] 14th August, 1678.

[b] Dumont, vii., p. i. 350. 10th of August; ratified at Versailles on the 18th of August, and at the Hague on the 19th of September.

[c] Sir William Temple's Memoirs, 1672—1679.

The object of the Prince and the hope of his confederates was to restore Europe to the condition in which it had been placed by the treaty of the Pyrenees.[a] The result of the negotiations at Nimeguen was to add the province of Franche Comté, and the most important fortresses of the Flemish frontier, to the cessions which Louis at Aix-la-Chapelle[b] had extorted from Spain. The Spanish Netherlands were thus farther stripped of their defence, the barrier of Holland weakened, and the way opened for the reduction of all the posts which face the most defenceless parts of the English coast. The acquisition of Franche Comté broke the military connection between Lombardy and Flanders, secured the ascendant of France in Switzerland, and, together with the usurpation of Lorrain, exposed the German empire to new aggression. The ambition of the French monarch was inflamed, and the spirit of neighbouring nations broken, by the ineffectual resistance as much as by the long submission of Europe.

Results of the treaty of Nimeguen.

The ten years which followed the peace of Nimeguen were the period of his highest elevation. The first exercise of his power was the erection of three courts, composed of his own subjects, and sitting by his authority, at Brissac, Mentz, and Besançon, to determine whether certain territories ought not to be annexed to France, which he claimed as fiefs of the provinces ceded to him by the Empire by the treaty of Westphalia. These courts, called Chambers of Union, summoned the possessors of these supposed fiefs to answer the King's complaints. The justice of the claim and the competence of the tribunals were disputed with equal reason. One of these provinces, called the three bishoprics, had been in the possession of France for more than a century. Its sovereignty, as well as that of Alsace, had been finally ceded thirty years, by the treaty of Westphalia. The crown of France had made no attempt during its possession or sovereignty to exercise those rights of paramount lordship to which claim was now laid. They had been long disused (if they really ever existed) by the

Aggrandisement of Louis XIV.

[a] 7th Nov. 1659. Dumont, vi., p. ii. 264. [b] 2d May, 1668. Dumont, vii., p. i. 89.

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ancient masters, and could not therefore be within the true construction of the cession. To revive such superannuated pretensions, even by the equal forms of negotiation, was an invasion of the principle of possession, on which the security of nations as well as of individuals alone reposes. To require foreign rulers to answer such a plaint before French courts, was a declaration of war against all states; more especially alarming to the multitude of weak princes and towns who formed the Germanic body. The chamber of union at Mentz decreed the confiscation of eighty fiefs, for default of appearance by the feudatories, among whom were the Kings of Spain and Sweden, and the Elector Palatine. Some petty spiritless princes actually did homage to Louis for territories, which were said to have been anciently fiefs of the see of Verdun.[a] Under colour of a pretended judgment of one of these courts, established at Brissac[b], the city of Strasburgh, a flourishing Protestant republic, which commanded an important pass on the Rhine, was surrounded at midnight, in a time of general and profound peace, by a body of French soldiers, who compelled those magistrates who had not been previously corrupted to surrender the city to the crown of France[c], amidst the consternation and affliction of the people. On the same day, and almost at the same hour with the seizure of Strasburgh, a body of troops entered Casal, in consequence of a secret treaty with the Duke of Mantua, a dissolute and needy youth, who for a bribe of a hundred thousand pounds, betrayed into the hands of Louis that fortress, then esteemed the bulwark of Lombardy.[d] Both these usurp-

[a] Acte de Foi et Hommage rendu à la Couronne de France par le Comte de Linanges, Dum. vii., p. ii. 13.

[b] Flassan, Histoire de la Diplomatie Française, iv. 59. 63.

[c] Œuv. de Louis XIV., iv. 194., where the original correspondence is published. The pretended capitulation is dated on the 30th September, 1681. The design against Strasburgh had been known in July. MSS. Letters of H. Saville, minister at Paris, to Sir Leoline Jenkins. Downshire Papers.

[d] Œuv. de Louis XIV., iv. 216, 217. Correspondence of Louvois with Boufflers and Catinat. The mutinous conscience of Catinat astonished and displeased the haughty minister. [Casal had been ceded in 1678 by Matthioli, the Duke's minister, who, either moved by remorse or by higher bribes from the House of Austria, advised his master not to ratify the treaty; for which he was carried prisoner into France, and detained there in close and harsh

ations were in contempt of a notice from the imperial minister at Paris, against the occupation of Strasburgh, an imperial city, or Casal, the capital of Montferrat, a fief of the Empire.[a] On the Belgic frontier, that monarch employed means more summary and open than pretended judgments or clandestine treaties. Taking it upon himself to determine the extent of territory ceded to him at Nimeguen, he required from the Court of Madrid the possession of such districts as he thought fit. Much was immediately yielded. Some hesitation was shown in surrendering the town and district of Alost. Louis sent his troops into the Netherlands till his demands were absolutely complied with; and he notified to the governor, that the slightest resistance would be the signal of war. Hostilities soon broke out, which made him master of Luxemburg, one of the strongest fortresses of Europe, and were terminated in the summer of 1684, by a truce for twenty years, leaving him in possession of his usurpations, and giving the sanction of Europe to principles so fruitful in wrong as those from which they sprung. To a reader of the nineteenth century, familiar with the present divisions of territory in Christendom, and accustomed to regard the greatness of France as well adapted to the whole state of the European system, the conquests of Louis XIV. may seem to have inspired an alarm disproportioned to their magnitude. Their real danger, however, will be speedily perceived by those who more accurately consider the state of surrounding countries, and the subdivision of dominion in that age. Two monarchies only of the first class existed on the continent, as the appellation of "the two crowns," then commonly used in speaking of France and Spain, sufficiently indicate. But Spain, which, under the last Austrian king, had perhaps reached the

custody. It has been lately speciously maintained that he was the famous prisoner with the iron mask, who died in the Bastille. The bargain for Casal was disguised in the diplomatic forms of a convention between the King and the Duke. Dumont, vii. p. ii. 14. An army of 15,000 men was collected in Dauphiny, at the desire of the Duke, to give his sale the appearance of necessity. Letters of H. Saville.

[a] H. Saville to Sir L. Jenkins. Fontainbleau, 12th Sept. 1681.

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lowest point of her extraordinary fall, was in truth no longer able to defend herself. The revenue of somewhat more than two millions sterling was inadequate to the annual expense.[a] It was about one fourth of that of Louis XIV. at the same period.[b] Ronquillo, the minister of this vast empire in London, was reduced to the necessity of dismissing his servants without payment.[c] An invader who had the boldness to encounter the shadow of a great name had little to dread, except from the poverty, which rendered the country incapable of feeding an army.[d] Naples, Lombardy, and the Catholic Netherlands, though the finest provinces of Europe, were a drain and a burden in the hands of a government sunk into imbecile dotage, and alike incapable of ruling and of maintaining these envied possessions. France had in twenty years acquired a fourth of the Spanish Netherlands, the barrier of Holland, under pretences so slight as never to be wanting at a convenient season. While Spain, a lifeless and gigantic body, covered the South of Europe, the manly spirit and military skill of Germany were rendered of almost as little avail by the minute subdivisions of territory. From the Rhine to the Vistula, a hundred princes, jealous of each other, fearful of offending the conqueror, and often competitors for his disgraceful bounty, broke into fragments the strength of the Germanic race. The houses of Saxony and Bavaria, Brandenburgh and Brunswick, Wurtemburg, Baden, and Hesse, though among the most ancient and noble of the ruling families of Europe, were but secondary states. Even the genius of the late Elector of Brandenburgh did not exempt him from the necessity or the temptation of occasional compliance with Louis. From the French frontier to the Baltic, no one firm mass stood in the way of his arms. Prussia was not then a monarchy, nor Russia an European state. The conquests of France

a Mémoires de Gourville, ii. 82. An account apparently prepared with care. I adopt the proportion of thirteen livres to the pound sterling, which is the rate of exchange given by Barillon, in 1679. Dalrymple, i. App. 314.

b Notice sur Colbert par Lemontey. Lettre à l'Académie Française, Juin, 1822.

c Ronquillo, MSS. Lett. d Gourville, in 1669.

were already equal to the collective dominions of many princes, not one of whom could then be overlooked in forming a confederacy for European independence, which rendered it the bulwark of the Empire against the irruptions of the Turkish barbarians. In the south-eastern provinces of Germany, where Rodolph of Hapsburgh had laid the foundations of the greatness of his family, the younger branch had, from the death of Charles V. formed a monarchy, which, aided by the Spanish alliance, the imperial dignity, and a military position on the central frontier of Christendom, which rendered it the bulwark of the Empire against the irruptions of the Turkish barbarians, rose during the thirty years' war to such a power, that it was prevented only by Gustavus Adolphus from enslaving the whole of Germany. France, which under Richelieu had excited and aided that great prince and his followers, was hence regarded for a time as the protector of the German States against the Emperor. Bavaria, the Palatinate, and the three ecclesiastical Electorates, partly from remaining jealousy of Austria, and partly from growing fear of Louis, were disposed to seek his protection and acquiesce in many of his encroachments.[a] This numerous, weak, timid, and mercenary body of German princes, supplied the chief materials out of which it was possible that an alliance against the conqueror might one day be formed. On the other hand, the military power of the Austrian monarchy was crippled by the bigotry and tyranny of its princes. The persecution of the Protestants, and the attempt to establish absolute monarchy, had spread disaffection through Hungary and its vast dependencies, the main basis of their power. In a contest between one tyrant and many, where the nation in a state of personal slavery is equally disregarded by both, reason and humanity might be neutral, if reflection did not remind us, that even

[a] The Palatine, together with Bavaria, Mentz and Cologne, promised to vote for Louis XIV. as emperor in 1658. Pfeffell, ii. 360. 4to. Paris, 1776. A more authentic and very curious account of this extraordinary negotiation, extracted from the French archives, is published by Lemontey (Monarchie de Louis XIV. Pièces Justif. No. 2.), by which it appears that the Elector of Mentz betrayed Mazarin, who had distributed immense bribes to him and his fellows.

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the contests and factions of a turbulent aristocracy call forth an energy, and magnanimity, and ability, which are extinguished under the quieter and more fatally lasting domination of a single master.

Austria.

The emperor Leopold I., instigated by the Jesuits, of which order he was a lay member, rivalled and anticipated Louis XIV.[a] in his cruel prosecution of the Hungarian Protestants, which drove the nation to such despair that they sought refuge in the aid of the common enemy of the Christian name. The Turks, encouraged by the revolts of the oppressed Hungarians, and stimulated by the intrigues of the Court of Versailles, which began early[b], and continued for many years, at length invaded Austria with a mighty army, and would have mastered the capital of the most noble of Christian sovereigns, had not the siege of Vienna been raised, after a duration of two months[c], by John Sobieski, King of Poland, the heroic chief of a people, whom in less than a century the House of Austria contributed to blot out of the map of nations. While these dangers impended over the Austrian monarchy, Louis XIV. had been preparing to deprive it of the imperial sceptre, which in his hands would have proved no bauble. By secret treaties to which the Elector of Bavaria was tempted to agree, in 1670, by the prospect of matrimonial alliance with the House of France, and which were imposed on the Electors of Brandenburgh and Saxony in 1679, after the humiliation of Europe at Nimeguen, these princes agreed to vote for Louis in case of the death of the Emperor Leopold, which his infirm health had given frequent occasion to expect. The four Rhenish electors, especially after the usurpation of Strasburgh and Luxemburgh, were in his net, and he seems to have entertained the like project for the Dauphin

[a] He banished the Protestant clergy, of whom 250, originally condemned to be stoned or burnt to death, but having under pretence, probably, of humanity, been sold to the Spaniards, were redeemed from the condition of galley slaves by the illustrious De Ruyter, after his victory over the French, on the coast of Sicily. Coxe, House of Austria, chap. 66.

[b] Voltaire, Siècle de Louis XIV., says, before the peace of Nimeguen; Sir William Trumbull, ambassador at Constantinople from August, 1687, to July, 1691, names French agents employed in fomenting the Hungarian rebellion, and negotiating with the Vizir. Memorials of my Embassy at Constantinople. Downshire MSS.

[c] 14th July to 12th September, 1683.

to a still later period.[a] Such were the dangers which undermined or beset the only monarchy of the continent capable of making head against Louis.

The Netherlands.

In the United Provinces, the vanquished party, whose antipathy to the House of Orange was exasperated by the cruel fate of De Witt, sacrificed the care of the national independence to jealousy of the Stadtholderian princes, and carried their devotedness to France to an excess which there was nothing in the example of their justly revered leader to warrant.[b] They obliged the Prince of Orange to accede to the unequal conditions of Nimeguen: they prevented him from making military preparations absolutely required by safety: they compelled him to submit to the truce for twenty years, which left the entrances of Flanders, Germany, and Italy, in the hands of France. They concerted all the measures of domestic opposition with the French minister at the Hague, and though there is no reason to believe that the opulent and creditable chiefs of that party, if they received French money at all, would deign to employ it for any other than what they had unhappily been misled to regard as a public purpose, there is the fullest evidence of the employment of bribes to an extent and with a success not proved to exist on any other occasion, to make known at Versailles the most secret counsels of the Commonwealth.[c] Amsterdam raised troops for her own defence[d], declared her determination not to contribute towards hostilities which the measures of the general government might occasion, and entered into a secret correspondence with France, which was treated by the Prince of Orange as an act of high treason[e], and which, even

[a] Lemontey, Nouv. Mém. de Dangeau, 478. Monarch. de Louis XIV. Pièces Justif. No. 2.

[b] The speed and joy with which he and Temple concluded the triple alliance seem, indeed, to prove the contrary. That treaty, so quickly concluded by two wise, accomplished, and, above all, honest men, is, perhaps, unparalleled in diplomatic transactions. "*Nulla dies unquam memori vos eximet ævo.*"

[c] Negotiations de M. Le Comte d'Avaux en Hollande, 1679—1688. 6 vols. 12mo. Paris, 1754, i. 13. 23. 25. 47, 48. 86. 109. 135, &c. Examples of treachery, in some of which the secret was known only to three persons. Sometimes, copies of orders were obtained from the Prince's private repositories, ii. 53.

[d] Dav. ii. 76.

[e] Dav. ii. 98. 16th Feb. 1684.

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if her claims to sovereignty were acknowledged, must be owned to be the act of a treacherous confederate. Friesland and Groningen, then under a separate Stadtholder, of a junior branch of the House of Nassau, recalled their troops from the common defence, and bound themselves, by a secret convention with Amsterdam, to act in concert with that potent and mutinous city. The signature of the truce seemed to establish the supremacy of France. The provinces of Guelderland, Overyssell, Utrecht, and Zealand, adhered, indeed, to the Prince, and he still preserved a majority in the States of Holland; but it consisted only of the order of nobles and of the deputies of inconsiderable towns. Fagel, his wise and faithful minister, appeared to be in danger of destruction by the republicans, who abhorred him as a deserter from their standard. But Heinsius, pensionary of Delft, probably the ablest man of that party, having, on a mission to Versailles, seen the effects of the civil and religious policy of Louis XIV., considering consistency as dependent, not on names, but on principles, thought it the duty of a friend of liberty to join the party most opposed to that monarch's designs.[a] So trembling was the ascendant of the Prince in Holland, that the accession of individuals was, from their situation or ability, of great importance to him. His cousin, the Stadtholder of Friesland, was gradually gained over; and Conrad Van Benningen, one of the chiefs of Amsterdam, an able, accomplished, and disinterested republican, fickle from over-refinement, and betrayed into French councils by jealousy of the House of Orange, as soon as he caught a glimpse of the abyss into which his country was about to fall, recoiled from the brink of the precipice. He called Louis XIV. a swallower of towns and provinces.[b] He assured his republican friends that the intention of the King of France could only be to deceive, to divide, to conquer; that he was a conqueror, and that it was not the nature of a conqueror to stop in the midst of his conquests. D'Avaux,

[a] Bynkershoek, who presided in the Court of Holland during the suspension of the Stadtholdership, ironically calls the impeachment of the High Pensionary of Amsterdam by the Prince of Orange, "*Crimen læsæ majestatis Orangiæ.*"

[b] Dav. i. 142.

pressed by such unanswerable observations, made an attempt to obviate them in a manner very unworthy of his talents. "Van Benningen," said he, "does not know the King. He is as much above all other conquerors as they are above ordinary men."[a]

Thus did the very country where the Prince of Orange held sway, fluctuate between him and Louis; insomuch, indeed, that if that monarch had observed any measure in his cruelty towards French Protestants, it might have been impossible, till it was too late, to turn the force of Holland against him.

England.

But the weakest point in the defences of European independence was England. It was not, indeed, like the continental states, either attacked by other enemies, or weakened by foreign influence, or dwindling from inward decay. The throne was filled by a traitor. A creature of the common enemy commanded this important post. For a quarter of a century Charles II. connived at the conquests of Louis. For this long series of treasons against his own country, which could only stand or fall with Europe, he was bribed by the conqueror with money, and with the promise of a foreign military force, to impose the religion and government of France upon his subjects. The first specimen of that policy had been the sale of Dunkirk to France, by which he strengthened that country on her conquering side, and sacrificed that means of protecting the Netherlands with which Cromwell had armed England.[b] Very shortly afterwards Louis was perfectly assured of Charles's subserviency.[c] It was not long before the King of England besought Ruvigny to procure for him a secret pecuniary treaty with the French monarch.[d] The negotiations suspended by the first Dutch war were, as we have seen, most perfidiously

[a] Dav. iv. 13, 14.

[b] There is some reason to believe that the Protector, alarmed at the progress of French conquest, had, at the moment of his death, a project of an alliance with Spain against France, in which Calais was to be the lot of England; an acquisition which, together with Dunkirk, might have prevented the conquest of Flanders.

[c] "Me lier avec la dernière liaison avec l'Angleterre, ce que je puis faire du soir au lendemain." Le Roi à D'Estrades, 20th Dec. 1663. D'Estr. ii. 347.

[d] Dec. 1664. Compare D'Estrades' despatch of 18th Dec. 1664, in D'Estrades, ii. 569. with Ruvigny's Report to his master, 3d July, 1668. Dalrymple, Append. 11.

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renewed at the very moment of the triple alliance. The degenerate Charles never had the excuse of yielding to seduction. He constantly assailed Louis with the importunity as well as venality of an abject prostitute. During the second Dutch war, he revealed to the world the designs which he was at other times compelled to dissemble. During the last fourteen years of his reign, he appears to have engaged in eight secret treaties for French money, to all of which his brother and probable successor was privy. More than one of these[a] were during the time in which he was acting the part of an impartial mediator in the negotiation at Nimeguen, solicitous apparently only for justice, or if biassed, only by anxiety for the general security of Europe. During the last ten years of his reign he received a secret pension, on condition of abandoning the continent to Louis, as well as of suspending the constitution, and violating an express law, by the intermission of parliament.[b] When, however, Louis became desirous of possessing Luxemburgh, Charles extorted an additional bribe for connivance at that new act of rapine.[c] After he had sold the fortress, he proposed himself to Spain as arbitrator in the dispute regarding it[d]; and so notorious was his perfidy, that the Spanish ministers at Paris did not scruple to justify their refusal to his ambassador, by telling him, "that they refused because they had no mind to part with Luxemburgh, which they knew was to be sacrificed if they accepted the offer."[e] After a short interruption of good understanding, Charles, in soliciting money from Louis, distinctly avowed to Barillon the ruling principle of his life,—"I should rather depend on your master than on my people."[f] The Duke of York most zealously seconded his brother:—"Not one of your Majesty's

[a] Dalry. App. to Review, 98—117. and 156—192. [b] Ibid. 301.

[c] "My Lord Hyde (Rochester) ne m'a pas caché que si son avis est suivi le Roi s'en entrera dans un concert secret pour avoir à V. M. la ville de Luxemburgh." Id. App. p. i. 18. Barillon au Roi, $\frac{7}{17}$ Nov. 1681. $\frac{21 \text{ Nov.}}{1 \text{ Dec.}}$, 1681.

[d] Barillon, $\frac{15}{25}$ Dec. 1681. [e] Lord Preston to Secretary Jenkins, Paris, $\frac{16}{26}$ Dec. 1682.

[f] Barillon, $\frac{2}{12}$ Jan. 1679. Dalry.

subjects," said a French ambassador to his sovereign, "wishes you more success than the two brothers." He adds, as a merit towards Louis, what is the strongest mark of the alienation of these unnatural princes from their own nation:—"But you can count only on these two friends in England."[a] Both equally betrayed the interest and dignity of the Prince of Orange. The King betrayed to the French the anxiety of the Dutch and even of the Prince for peace.[b] Out of deference to the Court of France, he refused his consent to the Lady Mary's marriage with the Prince in 1674; and when it was at length agreed on, he excused it (with equal baseness whether the excuse were false or true), as an expedient for quieting the suspicions of his subjects of his connections with France.[c] The Duke of York said to Barillon, "I consider myself as ruined *for my religion*, if the present occasion does not serve to subject England."[d] At the same time, he professed to the Prince of Orange his zeal for the war against France; and acceded with apparent joy to that Prince's proposal, that the Duke should himself command the English auxiliaries in Flanders.[e] These specimens of the policy of Charles and James, selected from the documents already published, are sufficient to show, that the English government was in their hands the main stay of the common enemy. From many intimations in the published correspondence, from the evident negligence with which the search has hitherto been conducted, and from the fact, that many of the corrupt and clandestine agreements being merely verbal, must have left traces too faint to be perceived by hasty examiners, it seems very probable that farther investigation might yet discover

[a] Courtin au Roi, $\frac{18}{28}$ Jan. 1677. Dalry.

[b] Id. $\frac{26 \text{ Oct.}}{5 \text{ Nov.}}$, 1676. Ibid. and Blancard's Report, Dal. App. 117.

[c] Barillon au Roi, $\frac{21 \text{ Oct.}}{1 \text{ Nov.}}$, 1677. Dal.

[d] Barillon au Roi, $\frac{8}{18}$ April, 1678. Dal. "Perdu *pour* sa religion," is strangely translated by Dalrymple, "Lost *as to* his religion."

[e] Letters from the Duke of York to the Prince of Orange, Jan.—April, 1678. Dal.

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more complete evidence of a system of treachery, which, for the length of its continuance, the vileness of its motives, the baseness of its means, and the magnitude of its evil consequences, is without parallel in the history of mankind. Even with our present information, it may be safely affirmed, that in the reign of Charles, no criminal who suffered death had been guilty of so many immoral and pernicious acts as his sovereign. So signal an example of perfidy tended to destroy all faith between governments, and to render concert against the conqueror impossible. Almost the whole aggrandisement of Louis XIV. might have been averted by common honesty on the part of Charles II. To his faithless and mercenary breach of the triple alliance may justly be ascribed the expense, danger, desolation, and bloodshed, which were incurred by the European confederacy in those wars, which were waged for twenty-five years to reduce the power of Louis XIV. within reasonable limits. The internal condition of England herself was discomposed by the suspicion entertained by all, and the knowledge possessed by some, of the sinister designs of the government. A king who called in foreign aid, and received foreign bribes, exposed himself to the danger of seeing his ministers corrupted, and his opponents tempted to imitate his example. Some of those who opposed Charles in parliament, had been so often deceived by him, that, believing his show of preparation for war against France in 1678 to be merely an expedient for obtaining an army and a revenue, which would enable him to become absolute, they opposed measures[a] into which circumstances might then have hurried that prince, and by which he might have involuntarily contributed to a less ruinous peace than that of Nimeguen. Louis, admitted by the King within the circle of domestic differences, as he found Charles by his fears driven to support the cause of Europe, did not scruple to make advances to the English enemies of the Court. Desirous of detaching France from their own sovereign, and of thus depriving him of the most effectual ally

[a] Barillon, $\frac{4}{14}$ March, 1678.

in his project for rendering himself absolute, they reprehensibly and unhappily accepted the aid of Louis in counteracting a policy which they had good reason to dread. They considered this dangerous understanding as allowable for the purpose of satisfying their party, that in opposing Charles they would not have to apprehend the power of Louis, and disposing the King of France to spare the English constitution, as some curb on the irresolution and inconstancy of his royal dependent, in those cases where these despicable qualities might themselves have accidentally rendered him a less obedient slave. To destroy confidence between the Courts seemed to be an object so important, as to warrant the use of ambiguous means; and it was not unnatural to hope, that if Louis became familiar with such negotiations, they might reconcile him to the power of parliament, as a barrier against succeeding kings of more English spirit. The usual sophistry, by which men who are not depraved excuse to themselves great breaches of morality, could not be wanting. They could easily persuade themselves that they could stop when they pleased, and that the example could not be dangerous in a case where the danger was too great not to be of very rare occurrence. In these circumstances, some of them are said by the French ambassador to have so far copied their prince as to have received French money, though they are not charged with being, like him, induced by it to adopt any measures at variance with their avowed principles; a material difference, indeed, but rather as it aggravates his guilt, than as an excuse for the gross, and perilous, and odious qualities ascribed to his adversaries. Barillon is a single witness, who might have fabricated the accounts of the distribution of money to cover the conversion of the funds to his own private purposes; whose expenditure in this case must have been unchecked by the necessity of producing vouchers, and whose unsupported testimony was screened by the profound secrecy of his correspondence from the ordinary risks of detection. As it was not pretended that the largesses were to influence the public conduct of the parties, the most important means of corroboration or contradiction were

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altogether wanting. If, upon this defective evidence, and in a case where we can never hear the defence of the accused, we should be inclined to believe, that in an age of little pecuniary delicacy, when large presents from sovereigns were scarcely deemed dishonourable, and when many princes, and almost all ministers were in the pay of Louis XIV., some part of the statement may be true, it is due to the haughty temper, not to say to the high principles of Sidney; it is due, though in a very inferior degree, to the ample fortunes of others of the persons named, to believe, that the polluted gifts, if received at all, were applied by them to elections and other public interests of the popular party, which there might be a fantastic gratification in promoting by treasures diverted from the use of the Court. These unhappy transactions, which in their full extent require a more critical scrutiny of the original documents than that to which they have been subjected, are not pretended to originate till ten years after the concert of the two Courts, and were relinquished as soon as that concert was resumed. Yet the reproach brought upon the cause of liberty by the infirmity of some men of great soul, and of others of the purest virtue is, perhaps, the most wholesome admonition pronounced by the warning voice of history against the employment of sinister and equivocal means for the attainment of the best ends.

Popish Plot.

To the corrupt policy of the Court must also, in a great measure, be ascribed the ready credit given to the Popish Plot. A real conspiracy against the religion and liberties of the kingdom was well known to exist. The tale of Titus Oates found an easy entrance into minds predisposed to believe such things by their knowledge of the designs of Charles and James in concert with Louis. The apparently strong confirmation given to his statement, which imputed a correspondence with Père La Chaise[a] to Coleman,

[a] "The Duke, perceiving that Oates had named Coleman, bid him look to himself." Life of James, i. 534.;—express words of James. Oates was examined before the Privy Council on the 6th September, and before Godfrey on the 27th September. Godfrey sent Coleman to the Duke with the deposition. Godfrey was found dead at Primrose Hill on the 17th October. Coleman was not apprehended till the 29th October, a month after he had been sent with the depositions, and twelve days after the death of Godfrey. Whoever will read

by the actual discovery of a small part of that correspondence in Coleman's House; the probability, or rather moral certainty, that Coleman, who had been warned of his danger a considerable time before by the Duke, had destroyed the great mass of his dangerous letters, and that the few which had been seized had only by accident escaped destruction; the contents of these few; their natural meaning, considered only in themselves[a]; and their singular coincidence with the communications of the King and the Duke with the French Court, which appear to have been known to Coleman[b]; together with the mysterious circumstances of the death of Godfrey, the magistrate who had taken Oates's information, an event which is to this day incomprehensible, — form at least an excuse for the first concurrence of all parties in the prosecution of the Plot, especially if we confine our view to the first paroxysm of fear and horror which it excited. The loose assent of the King to the Church of Rome in his youth[c] neither moderated his vices nor silenced his jests, nor always quelled his doubts; but, besides the deep taint given to his mind by the infliction of punishment, and even of death itself, under his authority, for no other crime than that of being a priest of the only religion to which he leaned; the general belief of his defection to an unpopular communion, — had peculiarly important effects on national

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the three letters seized, and consider these dates, together with the warning given by James, will have no doubt that Coleman was confident of his having destroyed the whole correspondence.

[a] See especially the last letter. Howell, State Trials, vii. 56. [b] Burnet, Oxford Edit., ii. 167.

[c] "I conclude that when became into England he was as certainly a Roman Catholic as a man of pleasure; both very consistent by visible experience." Halifax's Character of Charles II. London, 1751. "I take it for granted after the first year or two" (of residence at Paris,) "he was no more a Protestant." Ibid. As he came to Paris after the battle of Worcester, in September, 1651, and remained there till June, 1654 (Clarendon, Life, part vi.), this passage seems to place his reconciliation in 1653. It was known to Cromwell. Ibid. It was accidentally discovered by the Duke of Ormond at Brussels, in 1658. Carte's Ormond, ii. 254. It had before that time been entrusted to Bennett and Bristol, who were themselves Catholics. Ibid. It was betrayed by Charles to the Prince of Orange in 1670. Burnet, i. It must have been antecedent to the writing of the two papers found in his study, and Father Huddlestone's account of the solemnities on his death-bed, seems to imply, that he had before been reconciled to the Church. "Le Roi," says the Père d'Orleans, "mauvais Chrétien dans ses mœurs, mais Catholique dans le cœur." Révolution de l'Angleterre, iv. 208.

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opinion at the more critical periods. It is hard to suppose that the knowledge of his religious partialities and of his clandestine projects was not gradually imparted to many Catholics, as a consolation under their afflictions; and if we were to indulge a suspicion that the more zealous politicians, especially among the monastic communities of the Continent, impatient of the King's slow and wavering policy, and indignant at the cruelties which he suffered to be inflicted on their brethren, were betrayed into such angry language, and daring projects for the summary re-establishment of the Church, as might afford some foundation on which Oates built his first narrative,—a suspicion, however, for which there is no direct evidence,—it would serve more to illustrate the dangerous influence of the King's illicit intercourse with France on his own religion, than either to lessen the guilt of the informers, to palliate the atrocity of many of the trials[a], or to throw any general reflections on the Catholic body.

Bill of Exclusion.

The popular party, who, for years after they knew the Duke of York's conversion, had no thought of disturbing his right of inheritance, at last, after being long possessed of full evidence of his share in secret plans of war against their religion and liberty, began to take legal measures of self-defence, by introducing a bill into Parliament to exclude him from the succession to the crown. Foiled in this attempt, and when Charles, by the disuse of Parliament, had shut up all avenues to peaceable redress, they engaged in consultations, whether an armed resistance to his misgovernment was not practicable, and had not become just. Whether Lord Essex, Lord Russell, Mr. Sidney, and Mr. Hampden had taken active measures to carry designs of revolt into execution, was a legal question, rashly answered in the affirmative by juries who found two of them guilty on evidence not sufficient to be the foundation of a just conviction. As an historical

[a] These trials have been lately estimated by Mr. S. M. Phillips (State Trials, i.; London, 1826) with judicial sagacity and impartiality, and with a calmness very agreeable on matters which have excited such angry controversy. On the conduct of the trials it is impossible to hesitate, except, perhaps, in that of Coleman. As an historical question, the Popish plot is still covered with obscurity.

question, it may still be doubted whether they had done an irretrievable act, or even adopted a final determination. Morally, no doubt could be entertained, except what is founded on the improbability of success; for, of the justice of a war against Charles, no man can doubt who approves that revolution on which the laws and liberties of England now stand.

Connection of English affairs with the policy of William.

Every irregular and eccentric movement of English parties gave a new shock to the policy of the Prince of Orange. His connection with the House of Stuart was sometimes employed by France to strengthen the jealous antipathy of the republicans against him. On another occasion he was himself obliged to profess a reliance on that connection which he did not feel, in order to gain an appearance of strength. As the Dutch republicans were prompted always to thwart his measures by a misapplied zeal for liberty, so the English Whigs were for a moment compelled to enter into a correspondence with the common enemy by the like motives. But in his peculiar relations with England the imprudent violence of the latter party was as much an obstacle in his way as their alienation or opposition. The interest of Europe required that he should never relinquish the attempt to detach the English government from the conqueror. The same principle, together with legitimate ambition, prescribed that he should do nothing, either by exciting enemies or estranging friends, which could endanger his own and the Princess's right of succession to the crown. It was his obvious policy, therefore, to keep up a good understanding with the popular party, on whom only he could permanently rely; to give a cautious countenance to their measures of constitutional opposition, and especially to the bill of exclusion[a], the most effectual mode of cutting asunder the chains which bound England to the car of Louis, rather than to the proposed limitations on a

[a] Burnet, ii. 245. Temple, i. 355. Mem. part iii., fol.; London, 1720. "My friendship with the Prince (says Temple) I could think no crime, considering how little he had ever meddled, to my knowledge, in our domestic concerns since the first heats in Parliament, though sensible of their influence on all his nearest concerns at home; the preservation of Flanders from French conquest, and thereby of Holland from absolute dependence on that Crown." Ibid.

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Catholic successor, which might permanently weaken the defensive force of the monarchy[a]; to discourage and stand aloof from all violent counsels, likely either to embroil the country in such lasting confusion as would altogether disable it for aiding the sinking fortunes of Europe; or, by their immediate suppression; to subject all national interests and feelings to Charles and his brother; and in which he could not be neutral without supplying the Court with a specious colour of exclusion against the Princess. As his open declaration against the King or the popular party would have been perhaps equally dangerous to English liberty and European independence, he was averse from those projects which reduced him to so injurious an alternative. Hence his conduct in the case of what is called the Rye House Plot, in which his confidential correspondence manifests[b] indifference and even dislike to those who were charged with projects of revolt; all which might seem unnatural if we did not bear in mind that at the moment of the siege of Vienna, he must have looked at England almost solely, as the only counterpoise of France. His abstinence from English intrigues was at this juncture strengthened by lingering hopes that it was still possible to lure Charles into those unions which he had begun to form against farther encroachment, under the modest and inoffensive name of Associations to maintain the treaty of Nimeguen[c], which were in three years afterwards

[a] Letters of Prince of Orange to Sir Leoline Jenkins, July, 1680. February, 1681. Dal. App. to Review.

[b] MS. Letters from the Prince to Mr. Bentinck, in England, July and August, 1683. By the favour of the Duke of Portland, I possess copies of the whole of the Prince's correspondence with his friend, from 1677 to 1700; written with the unreserved frankness of warm and pure friendship, in which it is quite manifest that there is nothing concealed.

[c] The first of these appears to have been that between Sweden and Holland, at the Hague. 10th Sept. 1681. "Pro firma conversatione pacis neomagensis imo et monastiensis." Dumont, vii. par. ii. 15. Accession of the Emperor Leopold, 28th February, 1682. Id. ibid. 19. Of Spain, 2d May, 1682. Id. 22. Circles of Franconia and Upper Rhine, with Elector of Brandenburgh, 10th June, 1682. Id. 25. Denmark and Brandenburgh, 14th Sept. 1682. Id. 36. Emperor and Sweden, 12th Oct. 1682. Id. 37. Emperor with Brunswick and Luxemburg, 14th January, 1683. Id. 51. Emperor and Bavaria, 26th January, 1683. Id. 54. Emperor, Spain, Sweden, Holland, March, 1683. Id. 55—57. Circles of Bavaria and Westphalia, 2d March, 1683. Renewal between Holland and Sweden, 13th January, 1686. Id., &c. &c.

completed by the league of Augsburgh[a] and which, in 1689, brought all Europe into the field to check the career of Louis XIV. William, who from the peace of Nimeguen was the acknowledged chief of the confederacy gradually forming to protect the remains of Europe, had now slowly and silently removed all the obstacles to its formation except those which arose from the unhappy jealousies of the friends of liberty at home, and the fatal progress towards absolute monarchy in England. Nothing but an extraordinary union of wariness with perseverance, two qualities which he possessed in a higher degree, and united in juster proportions than perhaps any other man, could have fitted him for that incessant, unwearied, noiseless exertion which alone suited his difficult situation. His mind, naturally dispassionate, became by degrees steadfastly and intensely fixed upon the single object of his high calling. Brilliant only on the field of battle; loved by none but a few intimate connections; considerate and circumspect in council; in the execution of his designs, bold even to rashness, and inflexible to the verge of obstinacy, he held his onward course with a quiet and even pace which wore down opposition, outlasted the sallies of enthusiasm, and disappointed the subtle contrivances of a refined policy. Good sense, which, in so high a degree as his, is one of the rarest of human endowments, had full scope for its exercise in a mind seldom invaded by the disturbing passions of fear and anger. With all his determined firmness, no man was ever more solicitous not to provoke or keep up needless enmity. It is no wonder that he should be influenced by this principle in his dealings with Charles and James, for there are traces of it even in his rare and transient intercourse with Louis XIV. He caused it to be intimated to him "that he was ambitious of being restored to his Majesty's favour[b];" to which it was haughtily answered, "that when such a disposition was shown in his conduct, the King would see what was to be done." Yet

[a] League of Augsburgh, $\frac{28 \text{ June}}{9 \text{ July}}$, 1686. Dumont, vii. p. ii. 131.

[b] 5th Dec. 1680. Davaux. i. 5.

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Davaux believed that the Prince really desired to avoid the enmity of Louis, as far as was compatible with his duties to Holland and his interests in England. In a conversation with Gourville[a], which affords one of the most characteristic specimens of intercourse between a practised courtier and a man of plain inoffensive temper, when the minister had spoken to him in more soothing language, he professed his warm wish to please the King, and proved his sincerity by adding that he never could neglect the safety of Holland, and that the decrees of reunion, together with other marks of projects of universal monarchy, were formidable obstacles to good understanding. It was probably soon after these attempts that he made the remarkable declaration, — "Since I cannot earn his Majesty's favour, I must endeavour to earn his esteem."

The death of Charles II. gave William some hope of an advantageous change in English policy. Many worse men and more tyrannical kings than that prince, few persons of more agreeable qualities and brilliant talents have been seated on a throne. But his transactions with France probably afford the most remarkable instance of a King with no sense of national honour or of regal independence, the last vestiges which departing virtue might be expected to leave behind in a royal bosom. More jealousy of dependence on a foreign prince was hoped from the sterner temper of his successor. William accordingly made great efforts and sacrifices to obtain the accession of England to the European cause. He declared his readiness to sacrifice his resentments, and even his personal interests, and to conform his conduct to the pleasure of the King in all things compatible with his religion and with his duty to the republic[b]; limitations which must have been

[a] Gourville au Roi, 18th March, 1681. Mem. ii. 204.

[b] Davaux, $\frac{13}{23}$ Feb. and $\frac{26 \text{ Fevrier}}{8 \text{ March}}$, 1685. The last contains an account of a conversation of William with Fagel, overheard by a person who reported it to Davaux. A passage in which Davaux shows his belief that the policy of the Prince now aimed at gaining James, is suppressed in the printed collection, but preserved in Fox MSS., ii. 14.

considered as pledges of sincerity by him to whom they were otherwise unacceptable. He declared his regret at the appearance of opposition to both his uncles, which had arisen only from the necessity of resisting Louis, and he sent M. D'Auverquerque to England to lay his submission before the King, and to request that his Majesty would prescribe the conduct which he desired the Prince to pursue. James desired that he should relinquish communication with the Duke of Monmouth, dismiss the malcontent English officers in the Dutch army, and adapt his policy to such engagements as the King should see fit to contract with his neighbours.[a] To the former conditions the Prince submitted without reserve. The last, couched in strong language by James to Barillon[b], hid under more general expressions by the English minister to Davaux, but implying in its mildest form an acquiescence in the projects of the conqueror, was probably conveyed to the Prince himself in terms capable of being understood as amounting only to an engagement to avoid an interruption of the general peace.[c] In that inoffensive sense it seems to have been accepted by the Prince; since the King declared to him that his concessions, which could have reached no farther, were perfectly satisfactory.[d] During these unexpected advances to a renewal of friendship between the King and his son-in-law, an incident occurred, apparently inconsistent with them, which has ever since, in the eyes of many, thrown some shade over the sincerity of

[a] Compare Davaux, 8 Mars, with Barillon, $\frac{19 \text{ Feb.}}{1 \text{ Mar.}}$, and $\frac{23 \text{ Feb.}}{5 \text{ Mar.}}$, 1685.

[b] "Que M. Le Prince d'Orange changeât entièrement sa conduite à l'égard de la France." Fox, App., 46.

[c] James afterwards informed Barillon, that the Prince had answered him satisfactorily on all other points, but had not taken notice of the wish that he should connect himself with France. Fox, Hist. James II. I have not yet discovered in the despatches the foundation of this last statement. Mr. Fox's reasoning is unanswerable, and tallies with the text, except that his supposition charges James with more positive insincerity than I am willing to impute to him.

[d] James to the Prince of Orange, $\frac{6}{16}$, $\frac{16}{26}$, and $\frac{17}{27}$ March, 1685. Dalrymple, App. to part i. No exact account of the Prince's concessions has yet been discovered, which reduces the historian to the necessity of being satisfied with probable inferences.

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William. This was the landing in England of the Duke of Monmouth, with a small number of adherents who had embarked with him at Amsterdam. He had taken refuge in the Spanish Netherlands, and afterwards in Holland, during the preceding year, in consequence of a misunderstanding between him and the ministers respecting the nature and extent of the confession concerning the reality of the Rye House Plot, published by them in language which he resented as conveying unauthorised imputations on his friends. The Prince and Princess of Orange received him with kindness, from personal friendship, from compassion for his sufferings, and for his connection, although not blameless, with the popular and Protestant party in England.[a] The transient shadow of a pretension to the crown did not awaken their jealousy. They were well aware that whatever complaints might be made by ministers, Charles himself would not be displeased by kindness towards his favourite son.[b] There is, indeed, little doubt that in the last year of his life he was prevailed on by Halifax to consult his ease, as well as his inclination, by the recall of his son, as a counterpoise to the Duke of York, and thus produce the balance of parties at court, which was one of the darling refinements of that too ingenious statesman.[c] Reports were prevalent that Monmouth had privately visited England, and that he was well pleased with his journey.[d] He was assured by confidential letters, evidently sanctioned by his father, that he should be recalled in February.[e] It appears also that Charles had written with his own hand a letter to the Prince of Orange, beseeching him to treat Monmouth kindly, which D'Auverquerque was directed to lay before James as a

[a] Dav. $\frac{13}{23}$ Fev. 1685. Dav. iv. 139.

[b] "Bentinck et d'autres créatures du Prince disent hautement qu'il ne fait aucun demarche à l'egard de M. de Monmouth que du consentement du Roi d'Angleterre." Dav. $\frac{1}{11}$ Jan. 1685. Fox MSS., ii. 2. This passage, important from being written during the life of Charles, is suppressed in the printed despatches.

[c] Burnet, &c.

[d] Burnet, ii. 452. Oxf. edit.

[e] Diary in Monmouth's pocket-book, taken when he was made prisoner, and published in the Appendix to Wellwood's Memoirs, 5th January and 3d February (no year certain).

satisfactory explanation of whatever might seem suspicious in the unusual honours paid to that unfortunate nobleman.[a] It was no wonder that Monmouth, on hearing of his father's death, should have been overheard to break out into cries and lamentations[b]; which filial sorrow, however sincere, could not have produced; and that the last extract which is preserved of his melancholy journal should be:—"16. Feb; the sad news of his death by L. O cruel Fate."[c]

The removal of Monmouth from Holland became the necessary consequence of the change produced in the Prince's policy by James's accession. Before he left the Hague the Prince and Princess approved the draft of a submissive letter to James which he had laid before them.[d] They exacted from him a promise that he would engage in no violent enterprises inconsistent with this submission.[e] Nor is there any reason to doubt the sincerity of Monmouth. Despairing of clemency from his uncle, he then appears to have entertained designs of retiring into Sweden, or of serving in the imperial army against the Turks; and he listened for a moment to the projects of some French Protestants, who

Davaux, $\frac{17}{27}$ Mar. 1685. Fox MSS. ii. 48. Davaux observes that this account was openly and confidently circulated by the Prince's friends; that it was believed by the magistrates of Amsterdam, his greatest enemies, and that it had been confidentially told by Bentinck, in the lifetime of Charles, to the Danish ambassador, who gave credit to it. It becomes more important from being suppressed in the printed despatches.

[b] Monmouth a été comme un homme désespéré. On l'a entendu dans la petite maison où il loge faisant des cris et des lamentations. Dav. $\frac{12}{22}$ Feb., Dav. iv. 136.

[c] Notes in Welwood. Welwood was physician to William III. His book, dedicated to that monarch, was written at the desire of Queen Mary. It is characterised by generous moderation to fallen enemies, and even to religious adversaries. These circumstances, and the extraordinary coincidence of this entry with the despatch of Davaux, place the authenticity of the notes in the pocket book above suspicion. I have before me two editions; the first in 1700; another in 1710, when he had lost his station as a royal physician. L. seems to be Halifax.

[d] Davaux, $\frac{17}{27}$ Feb., Dav. iv. 140.

[e] "The Prince and Princess of Orange will be witnesses for me of the assurance I gave them, that I would never stir against you." Monmouth to the King, 8th July, 1685. James II., ii. 32. "Now you see how little trust is to be given to what the D. of Monmouth says." James II. to the Prince of Orange, 19th May, 1685. Dalrymple, App. p. i. b. 2

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proposed that he should put himself at the head of their unfortunate brethren, whom they were desirous of exciting to revolt against the ruin which then hung over them. He seems for a considerable time to have adhered to his determination. He thought the difficulties of an enterprise against England insuperable. The circumstances of his party appeared to him at the moment desperate; and he entreated his more zealous friends to consider whether by struggling with their chains they were not likely to make them more galling.[a] Subsequent to the death of Charles II.[b] even the French minister in Holland mentions no intercourse of Monmouth with William or his friends, except in one or two short interviews which humanity or civility might require.[c] The Governor of the Spanish Netherlands, desirous of conciliating James, drove Monmouth from their territory, and the importunity of the English and Scotch refugees in Holland induced him to return privately there to be present at their consultations. He found the Scotch exiles, who were proportionately more numerous and of greater distinction, and who felt more bitterly from the bloody tyranny under which their countrymen suffered, impatiently desirous to make an immediate attempt for the delivery of their country. Fergusson, the nonconformist preacher, whether from treachery, as was afterwards suspected, or from the rashness which is the attendant on unacquaintance with danger, seconded the impetuosity of his countrymen. Andrew Fletcher of Saltoun, a man of heroic spirit, and a lover of liberty even to enthusiasm, who had just returned from serving in Hungary, dissuaded his friends from an enterprise which his political sagacity

[a] Monmouth's Letter (Welwood, App. to No. 15.) to an unnamed adherent.

[b] The enemies of William's character have thrown considerable darkness over this part of history, by dwelling on the honours which he showed to Monmouth, without remarking, with sufficient distinctness, that they all preceded the death of Charles. Mac. Hist. G. B., i. 437., Life of James II., ii. 24., and Père d'Orl, Rev. d'Angl., iii. 289.

[c] Davaux, $\frac{12}{22}$ Mar. and $\frac{9}{19}$ Ap. 1685. A comparison of these passages with Macpherson will show the boldness of the inferences in which the latter indulges. It must be remarked, however, that the passages in the "Life of James" rest only on the credit of Dicconson, the compiler, and that the insinuations of the Jesuit are very cautious.

and military experience taught him to consider as hopeless, and destructive of its own objects.

In assemblies of suffering and angry exiles it was to be expected that rash counsels should prevail, yet Monmouth appears to have resisted them longer than could have been hoped from his judgment or temper. It was not till two months after the death of Charles II. that the vigilant Davaux intimated his suspicion of a design to land in England.[a] Nor was it till three weeks after that he was able to transmit to his Court the particulars of the equipment for that object. It was only then that Skelton, the minister of James, complained of these petty armaments to the President of the States-general and the magistrates of Amsterdam, neither of whom had any authority in the case. They referred him to the Admiralty of Amsterdam, the competent authority in such cases, who, as soon as they were authorised by an order from the States-general, proceeded to arrest the vessels freighted by Argyle. But in consequence of a mistake in Skelton's description of their station, their exertions were too late to prevent the sailing of the unfortunate expedition on the 5th of May. The natural delays of a slow and formal government, the jealousy of rival authorities, exasperated by the spirit of party, and the license shown in such a country to navigation and traffic, are sufficient to account for this short delay. If there was in this case a more than usual indisposition to overstep the formalities of the constitution, or to quicken the slow pace of the administration, it may be well imputed to natural compassion towards the exiles, and to the strong fellow-feeling which arose from agreement in religious opinion, especially with the Scotch. If there were proof even of absolute connivance, it must be ascribed solely to the magistrates and inhabitants of Amsterdam, the ancient enemies of the House of Orange, who might look with favour on an expedition which might prevent the Stadtholder from being strengthened by his connection with the King of England, and

[a] Davaux, $\frac{9}{19}$ April, 1685. 174.

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who, as we are told by Davaux himself, were afterwards filled with consternation when they learned the defeat of Monmouth. On the news of Argyle's landing in Scotland, James desired that the States-general should send over the three Scotch regiments in their service to his aid. The Prince offered to go at their head.[a] This offer was declined with no appearance of disgust, and the immediate despatch of the three regiments was carried through the States[b] by the influence of Fagel and Bentinck, in spite of the obstinate resistance of Amsterdam and their adherents. It is somewhat singular that Skelton did not complain of Monmouth's equipment till the 5th of June, two days after the embarkation of that unfortunate nobleman, who found means to elude the search which was in consequence directed to be made for him, and finally left the coast of Holland on the 9th.[c] Before he quitted that country, he wrote a letter of thanks to the magistrates of Amsterdam for their favour to himself and his adherents, and he expressed himself in terms of anger, and even of revenge, against the Prince of Orange, for having sacrificed his friendship to regain that of James.[d] The unexpected progress of Monmouth after his first landing induced James to apply for the three English regiments in the Dutch service.[e] An immediate assent was given to that proposition, and the Prince sent his friend Bentinck to London, to offer his personal services, and those of such generals and other officers as might be needed, for the suppression of the revolt. The private instructions of Bentinck bore date on the very day on which Monmouth was prevailed upon to cause himself to

[a] James II. to P. of Orange, $\frac{22 \text{ May}}{1 \text{ June}}$—, and $\frac{2}{12}$ June, 1685. Dal. App. p. i. b. 2.

[b] Fox MSS., ii.

[c] Those dates are new style, to suit the despatches of Davaux.

[d] Fox MSS., ii. 5th July, 1685. This despatch, which is not printed, sufficiently confutes all those which contain insinuations of the Prince's being privy to Monmouth's expedition; most of which seem to have been intended to furnish Louis XIV. with the means of preventing a reconciliation between the English and Dutch governments.

[e] James II. to P. of Orange, $\frac{17}{27}$ June, 1685. Dal. App. p. i. b. 2.

be proclaimed King.[a] Before that event was known in Holland an irrevocable offer was thus made by the Prince, of which the acceptance was likely to provoke Monmouth to make public the secret encouragement or instigation he had received at the Hague, if any such had really existed. No man of common understanding could have ventured to defy the possessor of so fatal a secret. Bentinck, who heard of Monmouth's declaration on his arrival in England, was gratefully received by James. The answer in which he declined the offer of the Prince, bears every mark of satisfaction and confidence.[b] The subsequent fate of Monmouth has been already related by historians, and no part of his expedition is, indeed, within the scope of this work, otherwise than as it illustrates the conduct of the Prince of Orange relating to the affairs of England. Common humanity was sufficient to induce him to dissuade Monmouth and Argyle from projects so crude that these unfortunate noblemen were unable, in their first declaration, to specify the sovereign whom they were to place on the throne, or even the form of government which they were to recommend to the two nations. Nothing, however, is more obvious than that the enterprise tended to disturb his designs, and endanger his interests. It is difficult to determine which of its possible results was likely to be most disadvantageous to him; its complete success would have excluded the Princess of Orange from the succession to the crown; the effects of its entire failure, in strengthening the influence of the French party, are known to us from history; a protracted civil war, the only remaining result, would have rendered it impossible for England to lend any assistance to the cause of Europe. At a moment when the prospect of the Princess's succession was daily brightening, it was evidently his policy, even if he had no hopes of gaining over James, to keep the internal tranquillity of England undisturbed. Those writers, who

[a] Bentinck's Instructions, $\frac{24 \text{ June}}{4 \text{ July}}$, 1685. Copy of Portland MSS., 28.

[b] James II. to P. of Orange, $\frac{30 \text{ June}}{9 \text{ July}}$, 1685. Dal. App. p. i. b. 2.

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without any evidence impute to him the design of employing Monmouth to excite a confusion in Great Britain, of which he might at an undetermined period reap some uncertain fruit, seem to be equally strangers to his character, to his circumstances, and to the general maxims of civil prudence. Men so cautious as he was, are not willing to embark in designs of which no human sagacity can foresee the probable event. To trust the brittle machinery of political contrivance amidst the shocks of unexpected passions and events, to incur the risks of a wilderness of crooked policy, where the paths and the issues are alike hid from our view, would have been widely at variance with the plain dictates of that sober and modest good sense which was the usual guide of his conduct.

The offer of military service, made by William, was in itself not at all desirable to him; for though the body of the popular party had shown no disposition to embark in so desperate an expedition as that of Monmouth, they could look with little complacency on his most active opponents; but it is easy to see why he should have regarded it as the least of the evils among which he had to choose. It offered a new chance of detaching James from Louis. It would strengthen the hope of such a separation on the Continent. It afforded means of acquiring reputation and ascendancy in England; and while the defeat of an illegitimate claimant might recommend him to the Protestant Tories, whose support was so essential to his succession, it afforded him the means of moderating a victory, gained, indeed, only over one unhappy adventurer, but calculated to spread fear and sorrow among the friends of liberty, whose cause was his, and who alone were devoted to him to the last extremity. The original letters of William to Bentinck, during his mission in England, are still extant, without interruption or mutilation. Like every other part of the correspondence, they are written with the most unreserved freedom. Their calmness, as well as frankness, show that the writer had nothing to conceal. Being once satisfied that the defeat of Monmouth was the least injurious issue of the revolt, he wastes no vain regrets on its inevitable con-

sequences. He is anxious to hear of the success of the royal army. He distrusts the military capacity of Lord Feversham, and he finally expresses his satisfaction at the event of the battle. He shows no curiosity about the subsequent language or conduct of Monmouth; and appears so little apprehensive of any secret injurious to him transpiring in England, that after the capture of Monmouth, when such a secret, if it had existed, was most likely to be betrayed, he becomes anxious for the immediate return of Bentinck, who was detained in England some days longer by James, probably with an expectation that the continuance of apparent concert between him and his son-in-law would extinguish the last hopes of the disaffected. The Prince was so sensible of the services which he had performed or tendered, that he instructed Bentinck[a], on taking leave, to ask Lord Rochester what succour he might expect, in case of need, from England; and to declare, at the same time, that the King would find him not resolved on war at all risks and seasons, but desirous of conforming his policy to his Majesty's wishes, with the important reservations of duty to his religion and his country. The unfortunate Monmouth bore a dying testimony to the truth of these declarations by his last letter, in which he appeals to the Prince and Princess as witnesses of the reluctance with which he engaged in his rash undertaking, which they had obtained his promise not to attempt. We know little with certainty of the particulars of Monmouth's intercourse with his inexorable uncle, from his capture till his execution, except the compassionate interference of the Queen Dowager in his behalf; a princess whose blameless demeanour in the performance of her long and difficult part has scarcely obtained the commendation which it seems to deserve. Burnet was indeed better informed of these transactions[b] than most contemporaries; yet his unsupported statement, that Mary of Este treated Monmouth with

[a] Points à parler. Portland MSS.

[b] Sir Edward Villiers, at that time in the household of the Princess of Orange, married the daughter of Chiffenich, in whose apartments, at Whitehall, the interview between James and Monmouth took place. Thence, probably, the report of Burnet.

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arrogance and cruelty, is not sufficient evidence to maintain so black a charge; though, on other occasions, she showed her proneness to indulge those violent passions, which in her declining years misfortune and religion subdued. Whatever may have passed in the interview between Monmouth and his uncle, or in the subsequent conversations with Clarendon and Tyrconnel, this is certain, from the King's conduct immediately after, that, whatever it was, it tended rather to strengthen than to shake his confidence in the Prince. Sidney was sent with Bentinck to Holland; a choice which seemed to indicate an extraordinary deference for the wishes of the Prince, and was considered in Holland as a decisive mark of good understanding between the two governments. The proud and hostile city of Amsterdam presented an address of congratulation to William on the defeat of Monmouth; and the republican party began to despair of effectual resistance to the power of the Stadtholder, now about to be strengthened by the alliance with England. The Dutch ambassadors in London, in spite of the remonstrances of Barillon, succeeded in concluding a treaty for the renewal of the defensive alliance between England and Holland, which, though represented to Louis as a mere formality, was certainly a step which required little more than that liberal construction to which a defensive treaty is always entitled, to convert it into an accession by England to the concert of the other states of Europe, for the preservation of their rights and dominions. The connection between the Dutch and English governments answered alike the immediate purposes of both parties. It overawed the malcontents of Holland, as well as those of England; and James commanded his ministers to signify to the magistrates of Amsterdam, that their support of the Stadtholder would be acceptable to his Majesty. But there was an important difference in the situation of the two parties. The objects for which the Prince of Orange paid court to the King, which was to obtain the co-operation of England against the farther progress of conquest, absolutely required the permanence of the connection; while the triumph of the maxims of civil and ecclesiastical policy adopted in

England as imperiously demanded the friendship, if not the aid, of Louis XIV. The King of England, accordingly, never lost sight of this paramount consideration. During the whole of his friendly correspondence with Holland, he and Rochester, his prime minister, importunately besought the continuance of secret supplies from France. He early told the French ambassador that he believed Monmouth to be supported by all the Protestant princes of Germany[a], which showed him the road that he must follow, and the ally in whom alone he could trust. But Louis evaded the application of Barillon on this subject, and declined advancing any money beyond the arrears of the subsidy of the late king, until more decisive measures in favour of the Catholics should render pecuniary assistance necessary.[b] On this occasion he betrayed some irritation on the subject of Holland. When he afterwards learned the despatch of the English regiments from Holland, he enjoined his minister, in a cold and haughty tone, to remit to Paris the money which had been entrusted to his charge for the purpose of being advanced to the King of England, which would, he observed, be the more proper, because the unsuccessful revolt would certainly render the King more absolute in his dominions than any of his predecessors.[c] But James continued his entreaties. He declared to Barillon, that, being educated in France, and having eaten the bread of the Most Christian King, his heart was French; and that he thought only of deserving the esteem and conforming to the pleasure of Louis[d]; that without the aid of Louis, he never could hope to succeed in his designs against the Protestants, which he had imparted to Barillon with less reserve than to his own

[a] "Ce Prince s'explique tout haut que les rebelles sont soutenus de tous les autres Protestans d'Europe, et traitent de ridicule tout ce que se dit d'opposé à cela." Barillon au Roi, $\frac{28\text{ May}}{7\text{ June}}$, 1685. App. Fox, 86.

[b] Roi à Barillon, $\frac{5}{15}$ June, 1685. Fox, App.

[c] Le Roi à Barillon, $\frac{3}{13}$ July, 1685. Fox, App. 97.

[d] Barillon au Roi, $\frac{6}{16}$ July, 1685. Fox, App. 105.

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ministers.[a] Rochester pressed Barillon with the same arguments, with the exception of those derived from the interests of religion. Sunderland, who had determined to effect the removal of Rochester by undistinguished compliance with the King's religious policy, spoke to the French minister with no such scruples. "The King, my master," he said, "has no object at heart so much as the establishment of the Catholic religion, and there can be no other so important to him on mere principles of good sense and right reason; for he must always be exposed to the popular prejudices against that religion until it be fully established: — a project which suits the interest only of the King of France, which can succeed only by his means, and which will be openly resisted or secretly traversed by other powers." This mode of reasoning is evidently inapplicable to any other measure than that of transferring the whole power and privileges to the Roman Catholic Church, and was perfectly conformable to the opinion of Barillon himself, who early declared to James that the maintenance of the royal authority and the establishment of the Catholic religion were inseparable objects.[b] Sunderland added, that the Court of France ought not to be disturbed by reports of connections between his master and the Prince of Orange, whose situation, interests, and opinions rendered all permanent union between them impossible.[c] Louis continued immoveable. He remonstrated against the renewal of the treaty.[d] He expressed great displeasure, especially, at the revival of the defensive treaty of alliance of 1678; a treaty entered into by Charles the Second in one of the moments of misunderstanding with France, always interpreted by him in the manner most agreeable to Louis, but of which the deliberate renewal on the present occasion would furnish the Prince of Orange with new means of disturbing the peace of Europe.

[a] Fox, App. 100.

[b] Barillon, $\frac{6}{16}$ April, 1685.

[c] Fox, App. 104.

[d] $\frac{14}{24}$ August. "S'il désire effectivement de conserver mon amitié, il n'entrera dans aucun autre engagement qui puisse y être contraire."

[*The Work of* Sir James Mackintosh *was left by him unfinished here. The reasons why it has been judged advisable to continue the narrative down to the accomplishment of the Revolution and settlement of the Crown have been stated in the Advertisement prefixed to this Volume.*]

CHAP. XII.

ARTIFICES OF JAMES.—DESIGNS AND MEASURES OF WILLIAM.—CONDUCT OF LOUIS XIV. —HIS QUARREL WITH THE POPE.—DESIGNS OF WILLIAM UPON ENGLAND.—PENN'S MISSION.—NEGOTIATIONS BETWEEN JAMES AND WILLIAM.—SUPPOSED SECRET TREATY WITH FRANCE.—LIBERTY OF CONSCIENCE.—THE PROTESTANT SUCCESSION.—MISSION AND INTRIGUES OF DYCKVELT, AND OF ZYLISTEIN.—CORRESPONDENCE OF STUART AND FAGEL.—LETTERS BETWEEN THE KING AND THE PRINCESS.

Artifices of James.

THE renewal of the treaty between England and Holland was negotiated without communication to Barillon.[a] Upon the French minister's remonstrating after the fact, James talked, in a high strain, of holding in his hand the balance of power.[b] This expression, in the political vocabulary of the time, was synonymous with vindicating the honour of England and independence of Europe against Louis XIV. Charity would dispose one to give the unfortunate James credit for a passing visitation of pride and patriotism, which would raise him above the unrelieved meanness of his predecessor. It was but an access of ill humour against Louis for withholding the pension[c], which descended from one brother to the other, by scandalous inheritance, with the crown.

James not only acted from the motives, but employed the artifices of Charles. He proposed to Barillon to contract with his master new and closer relations, which should neutralise the treaty with the States-general.[d] Louis instructed his ambassador to decline all such overtures, and intimated plainly that the object of James was to create a pretence for asking money.[e]

The Dutch, Spanish, and Imperial ministers, at the Court of London, towards the close of 1685, began to express hopes, real

[a] Le Roi à Barillon, 24 August, 1685. Fox, App.

[b] Bar. au Roi, 13 Dec. 1685. Dal. App.

[c] "Votre Majesté a bien reconnu que la cessation des payemens a produit le renouvellement du traité avec les Etats-généraux." The same to the same, 26 Nov. 1685. Fox, App.

[d] Le Roi à Bar., 4 Sept. 1685. Fox, App.

[e] "Liaisons (says he) que ne se concluent jamais qu'à mes depens." Ibid.

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or pretended, of detaching James from the King of France. Louis upon this did not feel quite secure. He ordered Barillon to watch the movements of the King, and aggravate his pecuniary embarrassments, by gaining the chief members of opposition in parliament.[a] Barillon suggested to his master in reply, that he might dispense with pensioning the king, and the leading whigs, by taking into his pay the chief minister of the crown.[b] Lord Sunderland, accordingly, after a negotiation, of which the details were as sordid as the transaction was base[c], accepted a French pension of 25,000 crowns, upon his undertaking that his master should contract no foreign engagements adverse to the interests of Louis XIV.[d]

This incident throws a disenchanting light upon political virtue and popular character in England, on the eve of an epoch, commonly named the most glorious in English history. They who took money from the King of France in the reign of Charles[e], would assuredly have no qualms in that of James. Cardinal Mazarin did not find a prostitute minister and stipendiary patriots in the councils and parliaments of Cromwell and the Commonwealth. Corruption and degeneracy came in with royalty and the Stuarts at the Restoration.

The King's alienation from Louis XIV., and his union with the Prince of Orange, were hollow and of short duration. He soon resumed with Louis the natural tone and necessary relations between two monarchs, attracted to each other by the sympathies of religion and despotism.[f] Lord Sunderland justly observed to Barillon, that the most difficult of all things was concord between two persons, of whom one longed impatiently for the crown worn by the other.[g] James, in his correspondence with the Prince, continued for some time to disguise his aversion. He found it hard to constrain his real sentiments.[h] The dry style and brief civility

[a] Le Roi à Bar., 19 Nov. 1685. Fox, App.
[b] Bar. au Roi, 26 Nov. Ibid.
[c] Bar. Corres., Fox MSS.
[d] Le Roi à Bar., 6 Dec. 1685. Ibid.
[e] Dal. App., pp. 314, &c.
[f] Life of James II. from his MS. Mem.; and Corr. de Bar., Fox MSS. *passim.*
[g] Bar. au Roi, 16 July, 1685. Fox, App.
[h] Bonrepaux à Seignelai, 26 Mars, 1686. Fox MSS.

of his letters betray the violence which in writing them he did to his nature.[a] But James II. combined, with his harsh character and conscientious bigotry, that common art in the education of princes and exercise of kingcraft, dissimulation.

Designs and measures of William.

The Prince of Orange, at the same time, pursued secretly his eager ambition and vast designs, with the genius and adroitness of a consummate politician. The Calvinist first magistrate of a Calvinist republic, he rallied round him Catholic as well as Protestant princes,—the Emperor, the King of Spain, and the Pope himself,—in a confederacy of Europe against the eldest and most powerful son of the Church. Affecting towards James, with an air of patient tranquillity, the deference and duty of a son, he gained over the subjects, sapped the throne, and finally made himself supreme arbiter of the fate of his father-in-law, under the pretence of zeal for a church, and affection for a nation, to neither of which he belonged.

It would be difficult to cite two projects in themselves more vast, and, when compared with the rank and resources of a Stadtholder of Holland, more disproportioned to the adventurer and his means, than those entertained by the Prince of Orange;—one to humble the pride and power of the King of France, the other to displace and succeed the King of England. Had William disclosed his views with the ostentation of Louis XIV., the voice of Europe would have rebuked his presumption. He cherished them in the solitude of his own breast, until they discovered themselves by that which most commands the homage of mankind, —the process of their achievement.

Both designs were intimately linked with each other. The first in the order of time was that against the King of France. It would have been imprudent in the Prince of Orange to risk an invasion of England without having given Louis full occupation on the Continent. Were he disposed to run so desperate a hazard, he

[a] See the letters (from King William's Cabinet) in Dalrymple's Appendix.

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would have found it impossible. The most calculating and parsimonious of republics would not place at his disposal its men, its ships, and its funds, until he had secured it against the ambition and hatred of the French monarch.

The first grand step of the Prince was to concert secretly the league of Augsburg in 1686. It was not definitely concluded until the following year. The contracting parties were the Emperor, the Elector of Brandenburg, and other chief princes of the Empire, the King of Spain, the King of Sweden, the States of Holland, the Duke of Lorraine, and the Duke of Savoy. The republic of Venice and the Pope, without being formal parties, were secretly pledged to the confederacy. It professed to be a defensive league having for its object to guard the treaties of Westphalia, Nimeguen, and Ratisbon, from invasion by Louis XIV.[a]

Conduct of Louis XIV.

The French King was soon informed of this formidable association. He penetrated by his ambassadors and emissaries the recesses of all the courts of Europe. The cabinet of the Prince of Orange was not proof against his means and instruments. D'Avaux, French minister at the Hague, obtained access to it through the confessor of the Prince's confidential valet-de-chambre: —"a good Catholic, a good Frenchman, and a man of honour;" says the ambassador, in a despatch to his master.[b]

A spy and three ruffians, under the orders of Cardinal D'Estrées, French ambassador at Rome, detected and waylaid a Dutch agent, who communicated with the Pope's secretary, Cassoni, in the disguise of a dealer in artificial fruits. They threatened and spared the life of the agent, robbed him of his basket, and discovered, ingeniously secreted in the fruits, scraps of paper, communicating the Duke of Savoy's adhesion to the league of Augsburg, and the Pope's promise to supply the Emperor with large sums of money, which should be placed at the disposal of the Prince of Orange, in carrying on war against the Christian King.[c]

[a] See League of Augsburg, in Dumont, Corps Dip. and Rym. Fœd.
[b] Négot. de Compte D'Avaux. Fox MSS.
[c] Card. D'Estrées to Louis XIV. Dal. App.

The French spy succeeded even in ransacking the papal secretary's private cabinet. Among the papers which he found there, not yet perused by the Pope, was one setting forth, that the Prince's taking the command of the imperial troops in Germany was but a pretext to cover his designs upon England, and that he had entered into a conspiracy with the English, to put to death the King, and the child of which the Queen was then pregnant, if a son, in order to place himself and the Princess his wife on the throne. The Cardinal states, that he lost no time in communicating this horrible plot to the young Lord Norfolk (meaning doubtless Lord Thomas Howard, then at Rome), who despatched to his master two couriers with the news; one by sea, the other by land.[a] The absurdity or the improbability of the latter part of this information may have shut the eyes of James to the exact and fatal truth of the former.

Louis at first attempted in vain to break the confederacy by intrigue and gold.[b] His next step was menace and aggression. He threatened, that upon the slightest infraction of the truce of twenty years then pending, he would send forth his armies across the Meuse, the Rhine, the Alps, and the Pyrenees, and make his flag respected by means of a strong fleet at sea. This was not an idle threat. He kept on foot, in the succeeding war, generally five, sometimes six, never fewer than four armies: his marine, under the direction of Seignelai, son of the great Colbert, was the best ordered in Europe; and he was prepared to attack the confederates, in 1688, with a military and naval force amounting to 450,000 men.[c]

The league of Augsburg was signed in July, 1687. Louis XIV. in the following September, braved the confederacy by an outrage, either in a spirit of insulting defiance, or as a stroke of policy, to sound the extent and forwardness of its preparations. He caused the arms of France to be set up within gunshot of Namur, in the

[a] Card. D'Estrées à Louvois. Dal. App.
[b] Œuv. de Louis XIV., tom. iv. Mem. Mil. Année 1688.
[c] Voltaire, Siècle de Louis XIV.

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face of the Spanish garrison. The confederates were deaf to the challenge; and the King of Spain purchased the removal of the nuisance, by ceding two villages, in a quarter where the insult was less flagrant.

The Emperor, the Venetians, and the Poles, were at war with the Turks. James, a mere bigot, saw nothing in the contest but Mohammedans and Catholics; and gave the latter all that the degenerate successor of Cromwell and Elizabeth could give, in the position to which he had reduced himself,—his public wishes and his private prayers. Louis, also a religious bigot, but at the same time an ambitious politician, consulting only his political interest, aided the infidels against the Christians, and the insurgent Hungarians against their sovereign.

Odescalchi filled the papal throne, under the name of Innocent XI. An energetic and enlightened temporal prince, unversed in dogmatic theology, or superior to its disputes[a], he assisted the Emperor, the Poles, and the Venetians, with his money and his galleys, and combined secretly with the Prince of Orange against the ambition and arrogance of the King of France. Louis, in return, subjected Innocent to every mortification to which the weak can be subjected by the strong, short of renouncing the communion of the Church.

His quarrel with the Pope.

Each ambassador at Rome had his particular quarter endowed with a franchise equivalent to the right of sanctuary. This franchise was grossly abused. The enfranchised quarters became the refuge of malefactors. Innocent obtained a renunciation of the privilege from all the Catholic princes except Louis. When the nuncio Ranucci solicited him to follow their example, he said, it was for him to give, not to take example[b]; and despatched the

[a] Bishop Burnet exaggerates in some traits, and perverts in others, the character of this Pope. It is true his family were bankers, but he was himself bred a soldier, and had served in the army of the Milanese. His ignorance of the points in dispute between the Jesuits and Jansenists is compatible with knowledge of another and more useful sort, and his whole pontificate, as well as the testimony of historians, proves him not a jealous and fearful man, but a prince and politician of fearless temper and enlarged views. Another English historian (Oldmixon), erring in the opposite extreme, calls him "the Protestant Pope."

[b] Voltaire, Siècle de Louis XIV.

Marquis de Lavardin, with the special mission of affronting the Pope in his capital.[a] Lavardin, in open contempt of the Pope's authority, entered Rome with an armed escort of a thousand Frenchmen, — residents at Rome, soldiers, and his suite, — took military possession of his quarter, and was excommunicated. The only consequence worth notice (if, indeed, it be worth notice), was the embarrassing and comic position of the French resident minister, Cardinal D'Estrées, who was compelled to accept absolution from the Pope, on his admission to the presence of the holy father after each communication with the excommunicate Lavardin.[b] Thus fantastically are events the most important mingled with weaknesses the most pitiable, in the anomalous current of human affairs.

There is nothing to give surprise in the submission of the Pope. The papal soldiers were armed, as the papal bulls were now issued, for mere show.[c] But why did the King of Spain, the Emperor, and the other confederates of Augsburg, submit to aggression and outrage? The most probable supposition, in the absence of direct evidence, is, that they were held back by the Prince of Orange. He was the prime mover and constituted chief of the league; his influence was paramount; and his projects were not yet ripe for a war with France. He had not sufficiently concerted with his English partisans the dethroning of James, the placing of James's crown upon his own head, and the embarking of England, with her national resources and antipathies, in the league of Europe against Louis XIV.

Designs of William upon England.

It is still an historical or party question, from what period William contemplated deposing James. If his own declarations were to be received as decisive evidence, the question would be easily settled. He assured his Catholic allies[d] and the people of England[e], on the eve and during the progress of his enterprise,

[a] Voltaire, Siècle de Louis XIV. [b] Id. ibid.
[c] Id. ibid.
[d] Letter of the Prince of Orange to the Emperor. Dal. App.
[e] Declaration of the Prince of Orange.

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that he did not aim at the crown; that the sole object of his expedition was, to call a free parliament for the redress of grievances and the security of the Protestant religion. But princes and politicians assume a certain license in the morality of their transactions with each other and with the people. The Prince of Orange could plead, in excuse of his expedient dissimulation, the allowances and exigencies of a perilous military enterprise, joined with a momentous political scheme.

Some have dated his design from the defeat and execution of the Duke of Monmouth. "My Lord Dartmouth," says James, "ever since the Duke of Monmouth's invasion, always told the King, that sooner or later he was confident the Prince of Orange would attempt it."[a] If Bishop Burnet may be relied on, the Prince aspired to the crown in 1686, when Burnet came to the Hague. The bishop gives a circumstantial account of his conversations, on his arrival, with the Prince and Princess of Orange; who, he says, opened their minds to him with entire confidence. In no part of his history does he more offensively indulge his conceit and egotism. "The Prince," says he, "though naturally cold and reserved, laid aside a great deal of that with me."[b] It would even appear, however incredible, that Burnet was the more reserved of the two. "I had a mind," says he, "to see a little into the Prince's notions, before I should engage myself deeper into his service. I was afraid lest his struggle with the Louvestein party, might have given him a jealousy of liberty and of a free government. He assured me it was quite the contrary; nothing but such a constitution could resist a powerful aggressor long, or have the credit necessary to raise such sums as a great war might require."[c] The Prince, in a conference, by his account, of several hours with him, censured the King's proceedings, and disclosed his own views of government in Church and State with minute particularity. "I thought it necessary," adds the Bishop, "to enter with him into

[a] King James's MS. Mem., cited in "Life of James II." vol. ii. p. 177.
[b] Hist. of his Own Times, vol. iii. p. 131. Oxf. ed. 1823.
[c] Ibid. p. 135.

all these particulars, that so I might be furnished from his own mouth to give a full account of his sense to some in England."[a]

Burnet further states, that "what particularly fixed him in the confidence of the Prince and Princess of Orange, was the liberty he took, in a private conversation with the Princess, to ask her, "what she intended the Prince should be if she came to the crown?"[b] The Princess of Orange, it seems, did not even comprehend his meaning. She thought her husband must become king to all intents as a matter of course. This ignorance seems unaccountable in a lady next in succession to the crown, whom the bishop had just described as "having great knowledge, with a true understanding." He, however, instructed her on the subject; referring in illustration to the marriages of Henry VII. and Elizabeth, Philip II. and Mary; "told her a titular kingship was no acceptable thing to a man, especially if it was to depend on another's life;" and upon being asked by her "to propose a remedy," advised her "to be contented to be merely the Prince's wife, engage herself to give him the real authority as soon as it came into her hands, and endeavour effectually to get it to be legally vested in him during his life; which would lay the greatest obligation on the Prince possible, and lay the foundation of a perfect union between them, which had of late been a little embroiled." She instantly gave the required assurance. The Prince had the reputation of being a despotic husband. His wife not only had no will of her own, but did not dare to murmur when she was outraged.[c] Mrs. Villiers, sister of the wife of Bentinck, and reputed mistress of the Prince, made no secret of her influence. The Princess only wrote her grievances privately to her sister, but the latter sharply desired Bentinck to check the insolence of his sister-in-law.[d]

[a] Hist. of his Own Times, vol. iii. p. 136. Oxf. ed. 1823. [b] Ibid.

[c] Account of the conduct of the Duchess of Marlborough, p. 123. Letter of Lord Nottingham. Dal. App.

[d] Négot. du Comte D'Avaux, Aug. 1685. Fox MSS.

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"I asked pardon," continues Burnet, "for having moved her in such a tender point; but I solemnly protested, that no person living had moved me in it, or so much as knew of it." Notwithstanding this solemn protestation of the Bishop, Lord Dartmouth has subjoined to this passage in Burnet's history[a] the following observation:—"I take it for granted, that the Prince ordered Burnet to propose it to the Princess before he would engage in the attempt upon England; and she certainly must understand it so; for certainly such a little Scotch priest durst not have proposed altering the right of succession to the three kingdoms of his own head, though he had double the confidence he was known to have."

These passages prove by conclusive implication, that the Prince of Orange at the time contemplated his being King of England. But the Prince could imagine himself king only on the supposition, that King James was deposed and the throne vacant. If the crown devolved upon the Princess, his wife, on her father's decease, he would not have the slightest ground to expect that the order of succession should be departed from, and the rights of the Princess Anne sacrificed in his favour. Nothing but the shock of a revolution, the necessities of the time, and the merit of a deliverance, could warrant a man of his sagacity in such an expectation; and it was only by a very small majority of one house of parliament, that these causes, co-operating with others, raised him eventually to the throne.

But William proved at a much earlier period that he had little tenderness for the rights of his father-in-law. He declared his wish that the bill of exclusion should be carried, rather than the powers of the crown should be diminished.[b] He received with pleasure the proposition of enacting, that the Princess should be regent during the life of her father[c]; and it would appear, from a letter of Montague

[a] Oxf. ed. 1823.

[b] Letter of the Prince of Orange to Sir Leoline Jenkins. Dal. App. p. 306, *et seq.*

[c] Id. ibid.

to him, after he became King, that he knew and approved the Rye House plot.[a]

Penn's mission.

Penn came over to the Hague early in 1686, and had several audiences of the Prince. Without professing to have any mission, he was received as the envoy of James[b], and had authority from him.[c] His object was to obtain the Prince's assent to the repeal of the penal and Test Acts; upon which condition, "he undertook," says Burnet, "that the King would enter into an entire confidence with the Prince, and put his best friends in the chiefest trusts."[d]

Bishop Burnet could never spare his depreciation of any person, from William Penn to Major Wilding, who came into collision or comparison with himself. He, on this occasion, describes Penn as "a vain talking man[e]," who "had such an opinion of his own faculty of persuading, that he thought none could stand against it," and "whom many suspected to be a concealed Papist." The suspicion was really and extensively entertained. It is thus the tolerant, benevolent, philosophic Christian is traduced by uncharitable bigotry, or still more uncharitable hypocrisy, in one age as a concealed Papist, in another as a concealed infidel.

The Prince was willing to abandon the penal laws, but adhered to the tests. The King would have all or nothing[f]; and Penn's negotiation failed.

Negotiations between James and William.

About the middle of the year 1686, Skelton, James's ambassador at the Hague, was appointed to the court of Versailles. His successor, the Marquis d'Albyville, has been described as a person of disreputable life and character. Burnet mentions him as one White, an Irishman, who had long served the court of Spain in the capacity of a spy, and received from that court his title in discharge of his arrears. But the Bishop, who has been unjust to

[a] Letter of Lord Montague to King William. Dal. App. part ii. p. 339.

[b] "Though he did not pretend any commission for what he promised, yet *we* (that is, Burnet and the Prince) looked upon him as a man employed." Bur. vol. iii. p. 140. Oxf. ed. 1823.

[c] Clarkson's Life of William Penn.

[d] Bur. Hist. of his Own Times, vol. iii. p. 139, &c. Oxf. ed. 1823.

[e] Ibid. Swift has subjoined this note:—"He spoke very agreeably, and with much spirit."

[f] Ibid.

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individuals from self-conceit or caprice, could not be expected to speak scrupulously of a Papist, an Irishman, and a personal enemy. The compiler of the Life of King James from his manuscript Memoirs, says that D'Albyville received his title from the Emperor[a]; and the Dutch ambassador, Van Citters, in announcing his appointment to the States, mentions him as "formerly known by the name of Baron White, an Irishman and a Roman Catholic, of good understanding and good breeding, who conducted the business of the English monarchy for several years at Brussels and Madrid in the lifetime of the late King."[b] D'Albyville, however, soon after his arrival at the Hague, was suspected of betraying James to the Prince of Orange[c], and both to Louis XIV.[d] It would appear from his subsequent conduct, that he acted implicitly as the hired agent of Louis, under the orders of D'Avaux.[e] In this he may not have consulted the real interests, but he certainly best consulted the personal views, of his master, for Louis judged much better for James than James for himself.

Louis XIV. granted D'Albyville, through Barillon, 300 guineas for his outfit, and a pension of 60,000 livres, in order to place him beyond the reach of temptation by the Prince of Orange.[f] The Prince hardly deigned to speak to him.[g] It is no wonder that a monarch thus gratuitously prodigal of gold, and having at his command the most expert and unprincipled intriguers, lay and spiritual, of Europe, penetrated the secrets of his neighbours and enemies.

Holland was the great asylum of English *political* refugees. This was a constant subject of discussion between James and the States. The King demanded that persons whom he called his rebel subjects should be sent out of the territories of the Republic; the States answered by illusory compliances, evasions,

[a] Vol. ii. p. 134.
[b] Lett. of Van Citt. 16th Aug. 1686.
[c] Négot. du Comte d'Avaux. Fox MSS.
[d] Macph. Hist. of Great Britain.
[e] "Il me paroit, sire, que M. d'Albyville écrit fidèlement au Roi son maître tout ce dont nous convenons ensemble." Négot. du Comte d'Avaux. Fox MSS. 14 Avril, 1687.
[f] Corres. de Bar. Fox MSS.
[g] D'Avaux to the King, 27th May, 1687. Fox MSS.

and delays.[a] Van Citters, on one occasion, during an audience of the King, excused the delay in complying with his demands, as proceeding from the forms of the Dutch constitution. James rejoined, that a single letter from Cromwell sufficed to make the States send away the royal family.[b] The fact proved only that the usurper knew how to make himself respected, and the King did not.

D'Albyville, before he even opened his commission[c], demanded, in the name of the King, that Burnet should be forbidden the presence of the Prince and Princess of Orange. The historian of his own times would have it supposed that he was proscribed for his importance as a politician. It was only as a pamphleteer that he provoked the King's resentment. Pamphlets printed by him, and other partisans of the Prince of Orange, at Amsterdam and the Hague, were circulated privately in England; and such virtue is there in the press, that it can reach the tyrant and disturb his rest, when nothing else can, short of the appeal to Heaven.

The King had already written two letters of complaint respecting Burnet, to his daughter. The Bishop relates, with the utmost complacency, how a dutiful and religious princess replied to her father's letters, "according to the hints suggested" by the very man whom her father desired she would dismiss; and how the Prince and Princess were both so true to their promise of dismissing him, "that, instead of seeing him henceforth, they communicated to him the whole secret of English affairs through Dyckvelt and Halewyn."[d]

Supposed secret treaty with France

The arrival of Bonrepaux, a special envoy of Louis XIV. to James, in the spring of 1686, alarmed the Dutch, Spanish, and Imperial ambassadors. They suspected the negotiation of a secret treaty, offensive and defensive, between the courts of France and England. A paper, containing reasons in favour of an alliance with France for the especial purpose of attacking and extirpating

[a] Van Citters, 31st May, 1686.
[b] Letter of Van Citters, 25th June, 1686.
[c] Bur. vol. iii. p. 173. Oxf. ed. 1823.
[d] Id. ibid.

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the Republic of Holland, and purporting to be addressed to the King in council, came into the hands of Don Pedro Ronquillo, ambassador of the King of Spain. That dexterous minister, instead of acting in person, instructed the ambassador of the States, as the party chiefly interested, to sound the designs of the King.

There are two versions of what passed in several conferences on the subject between the King and Van Citters: one by Van Citters to the States[a]; the other by his confederate director, Ronquillo, addressed to the King of Spain.[b]

The despatch of the Spaniard is curiously distinctive of the indigent grandeur of the Spanish monarchy, and the peculiar genius of the Spanish nation. It opens with his despair on the arrival of the post from Spain without bringing him any supplies. He saw himself reduced to the necessity of abandoning the court, and shutting himself up in his own house; he was unable to maintain or to discharge his household; his spies would no longer serve him; and all this, at the critical moment when the French were straining every nerve to engage the King of England into an alliance with the King of France. The ingenious diplomatist, however, having sent his household to subsist in London, contrived to maintain his post, without a suite, at Windsor; and not only discovered, he says, all that passed in this important negotiation, but obtained, partly by threats, partly by promises, a copy of the above mentioned paper, which he placed in the hands of Van Citters. There is, in reference to his promises, a light touch of humour, characteristic and worthy of the countryman of Cervantes, —"God and your Majesty," says he, in a parenthesis, "know whether they will be fulfilled."[c]

The King, having received the paper from Van Citters, declared it a fabrication by the gazetteers of Amsterdam, or by some in England, who sought to render him odious to his subjects; and expressed his earnest desire to cultivate the friendship of the

[a] Letters of Van Citt. 9th and 27th August, 1688.
[b] Letter of Don Ped. Ronq. August, 1686.
[c] "Dios y V. M. sabra si se compliran."

States. Van Citters, if he may be believed, resolutely insisted that the memorial was genuine; ascribed it to the Catholic party and court priests; and said that he could astonish the King, by naming the author.[a] It is strange that the offer, if made, was not accepted. The tone in which the Dutch minister vaunts his own boldness, and takes the whole credit of having obtained the paper, without mentioning Ronquillo, throws some doubt on this part of his account.

James may have, as he declared, seen the paper then for the first time. He may, also, have believed it spurious. But the evidence, external and internal, is in favour of its authenticity. It was probably drawn up by Bonrepaux. The tone is French, and it was transmitted in the French language to the States, by Van Citters, who wrote his despatches in Dutch.[b] The original, therefore, may be presumed to have been French.[c]

The Dutch ambassador at the same time told the King, that according to recent letters from Constantinople, received by an eminent Smyrna merchant named Vernon, the French minister there had just announced to the Sultan the conclusion of a treaty between his master and the King of England, having for its object a joint attack upon Holland, which would divert the attention and forces of the Emperor from the side of Turkey to the Rhine. Bishop Burnet, one of the most strenuous asserters of this pretended French alliance, which had so great a share in driving James from the throne[d], gives, as conclusive evidence of it, a declaration made to him by Sir William Trumbull, then minister at the Porte, that the French ambassador surprised him one morning by a visit without the usual forms, to announce, on the authority of a letter in cipher from M. de Croissy, which he produced, the conclusion of a new treaty between their respective masters, whose interests were thenceforth identical.[e] The answer of the King to Van Citters

[a] Letter of Van Citt. ubi suprà.

[b] Letter of Van Citt. 16th Aug. 1686.

[c] The Spanish version, transmitted by Ronquillo, will be found in the Appendix.

[d] Sherlock's Letter to a Member of the Convention.

[e] Bur. vol. iii. p. 290. Oxf. ed. 1823.

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applies equally to Burnet. He said, "that of the proceedings of the French ambassador at Constantinople he knew nothing; but if he acted in the manner alleged, it could only be a French artifice to dissuade the Turks from making peace with the Emperor." The King further denied the existence of any new alliance, actual or prospective, with France. His last words in a private audience to Van Citters were, that he and the other foreign ministers should not allow themselves to be deceived by French intrigues and artifices.[a] Both the Dutch and Spanish ministers assured their respective governments that the overtures made by Bonrepaux were declined by James.[b]

The ministers of the powers confederated against France tried to work upon the King's pride. They intimated to him, that he was treated by Louis, and regarded by others, as a vassal of France. This delicate topic was touched on by Van Citters. James repudiated the supposition with indignant vivacity; repeated several times, with much heat,—"Vassal! vassal de France!" and added, in a solemn tone,—"Sir, if the Parliament enabled me, I would bring the kingdom to a height of consideration, abroad and at home, never reached under any of my predecessors."[c] More credit would be due to this declaration, if he were not, at the moment, the stipendiary of the King of France. James, however, while he received and solicited the degrading liberality of Louis, manifested, it will be observed, to the last, a reluctance to commit himself implicitly in his protector's train. He would, perhaps, have even joined the Prince of Orange against the King of France, provided the English nation placed its laws, liberties, and religion at his feet.

Great activity was observable in improving the condition and increasing the force of the navy. Van Citters mentioned this to the King as a source of alarm to the States. He replied, that the neglect or incapacity of the naval administration for several years, rendered necessary a complete system of repairs and equipment;

[a] Letter of Don Ped. Ronq. ubi suprà.
[b] Van Citt. and Ronq. ubi suprà.
[c] Letter of Van Citt. 27th Aug. 1686.

and declared that his object was not war, but to place himself in such an attitude as to command respect abroad, and maintain the peace of Europe. There appears no good reason to doubt his sincerity. He had no motive for lending himself to the mere aggrandisement of Louis XIV. His great object was to rule his kingdom without parliaments and above the laws; and peace abroad was favourable, if not necessary, to his establishment of tyranny at home. It should be observed, that he was jealous of the Dutch government, not because it was Protestant and Republican, but because its laws and policy afforded an asylum to English refugees, and its Protestantism and the interests of the Prince of Orange interfered directly with his designs of rendering his government tyrannical.

Liberty of conscience.

D'Albyville repeated to the States the same pacific declarations which the King had made to their ambassador; urged in the King's name the expulsion of the obnoxious English exiles; and, in private conferences with the Prince and Princess of Orange, assured them, in pursuance of his instructions, "that the King never intended to wrong them in the right of succession."[a] He repeated, at the same time, the desire, which James had conveyed through Penn, that they would sanction the repeal of the penal and Test Acts, — even for their own sakes, as a restraint upon the royal prerogative[b]; — declared, according to Burnet, that the King not only condemned the proceedings, but despised the bigotry of Louis XIV., who allowed himself to be governed by the Archbishop of Paris and Madame de Maintenon[c]; and appealed to the King's hospitable reception of the French Protestant refugees as evidence of his tolerant liberality. The States professed themselves satisfied; but the Prince, doubting the sincerity, or unconvinced by the arguments of the King, or determined only by his own secret purposes, repeated in substance to D'Albyville the refusal to sanction the repeal of the tests which he had given to Penn.

[a] Bur. vol. iii. p. 175, 176. Oxf. ed. 1823.
[b] Ibid. p. 174.
[c] Ibid. p. 176.

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It is improbable that D'Albyville really made those contemptuous reflections upon Louis XIV. It is incredible that he should have been authorised to make them by James. But the envoy may be presumed to have conveyed the King's opinion of the persecution of the French Protestants, as it was expressed by the King himself to the Spanish and Dutch ministers. James admitted to the Spanish minister that Louis XIV. had the same right to revoke, which Henry IV. had to grant, the edict of Nantes, but declared both to Ronquillo and Van Citters, that he abhorred the employment of "the booted missionaries[a]," both as impolitic and unchristian[b]; that though he wished to see his own religion embraced, he thought it contrary to the precepts of Holy Writ to force conscience; that he only expected to see his Catholic subjects enjoying the freedom of other Englishmen, not treated as if they were traitors[c]; that he designed no more than establishing the same liberty of conscience which was so beneficially allowed by the States themselves; and that he expected the States would not interfere with his measures for this end.[e] Van Citters, in reply, assured him, that their High Mightinesses would not interfere with his proceedings in reference to religion, which they regarded as a domestic matter to be left to the King's prudence and the providence of God.[e]

The professions of respect for liberty of conscience made by James, were, it will be said, hollow and perfidious.

Religious prejudice is of all others the most unjust and blind. Protestants found it impossible in the seventeenth, and find it difficult in the nineteenth centuries, to dissociate Popery and intolerance. An opinion of the good or bad faith of James is uncalled for here. It may be observed, however, in fairness to his memory and religion, that where he violated law, he unmanacled conscience; that a believer in the dogmas of the Church of Rome, and even a zealot for proselytism, is not necessarily a persecutor; that Fenelon inter-

[a] Letter of Don Ped. Ronq. 12th April, 1686.
[b] Letter of Van Citt. 9th Aug.
[c] Ronq. ubi suprà.
[d] Van Citt. ubi suprà.
[e] Letter of Van Citt. 9th Aug.

fered in the truest spirit of toleration and charity for the persecuted Protestants of France, whilst the Protestant bishops of England to a man forged the chains and urged the persecution of English papists and dissenters; finally, that from the restoration of Charles, to the first declaration of indulgence by James, "above 15,000 families had been ruined, and more than 5000 persons had died in bonds, for mere matters of conscience to God[a]:" that is, victims to the intolerant ascendancy of the Church of England.

The statement of Burnet respecting the King's assurances, through D'Albyville, of "not wronging the Prince and Princess of Orange in the succession to the crown," is corroborated. Van Citters writes to the States, that the King, in the same audience in which he denied the alliance with France, repudiated with vehemence the supposition of his promoting his religion by defrauding his children of their inheritance.[b] At a subsequent period he repeated this assurance, in a holograph letter to D'Albyville, which that envoy placed in the hands of D'Avaux.[c] The order of succession, then, must have been regarded by the Prince as threatened and insecure.

This matter is involved in obscurity. No idea of the queen's actual or future pregnancy was then entertained. What Catholic successor to the exclusion of the Princess of Orange could have been in contemplation?

Attempted conversion of the Prince and Princess of Denmark.

The views of James and Louis are supposed to have been fixed upon the Prince and Princess of Denmark. Barillon, the resident minister, a man of pleasure rather than of business[d], was better suited to the court of Charles than to that of James. Denmark was at this period the ally of France. Accordingly, Bonrepaux, the special envoy, was charged or charged himself with sounding the Danish ambassador respecting the conversion of Prince George of Denmark. It was suggested to him, that his conversion and that of the Princess his wife, would induce the King to exclude the elder

[a] William Penn's "Good Advice," &c., cited in Clarkson's Life of Penn.
[b] Dutch Pol. Corres., ubi suprà.
[c] Nég. du Comte d'Avaux, 22 Av. 1687. Fox MSS. [d] Volt. Siècle de Louis XIV.

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sister from the throne in favour of the younger. The ambassador, after conferring with the Prince, held out to Bonrepaux confident hopes of success.[a] Prince George, from his want of capacity and character, was governed wholly by others. When it was in contemplation to put him forward as a candidate for the throne of Poland, his friends determined for him that he should become a Catholic.[b] His conversion or conformity, therefore, could be easily brought about. The conversion of the Princess was expected to follow as a matter of course.[c] Bonrepaux describes her as timid, ambitious, hating the queen, receiving books of controversy obligingly, and, like her husband, willing to be instructed. But ignorant bigotry and vulgar temper constituted in this Princess a spurious force of character, which rendered it difficult to change her convictions, or make her bend them to her ambition; and her father never offered the slightest violence to her religion. For these, and perhaps other reasons, the intrigue of Bonrepaux failed. There is no good evidence that James was a party to it, and an intrigue so fruitless and transient could scarcely have alarmed the Prince of Orange.

Bonrepaux, on the eve of his departure, writes to Seignelai, that Lord Sunderland had made to him an overture, which he thought it imprudent to communicate in writing until he had reached Calais.[d] There is no trace of this overture in the MS. letters of Barillon, Bonrepaux, or D'Avaux, obtained from the French archives by Mr. Fox.[e] The perpetual shifting and duplicity of Sunderland add to the difficulties of conjecture. An opinion may be hazarded that it related to the succession. It was at this period, that Bonrepaux described James, as finding it hard to conceal his dislike of the Prince; and Barillon, in a despatch to his master, early in the following year, writes, that the Dutch and Spanish ambassadors were in the greatest fear of James's doing something entirely adverse to the interests of the Prince of Orange.[f]

[a] Bonrepaux to Seiguelai, March, 1686. Fox MSS.
[b] Halifax MS.
[c] Bonr. to Seig. Ibid.
[d] Bon. to Seig., April, 1686. Fox MSS.
[e] Fox MSS. in the possession of Lord Holland.
[f] "Quelque chose entièrement opposée aux intérêts du Prince d'Orange." Barillon au Roi, 10 Mars, 1687. Fox MSS.

It will be found, that, consistently with dates, the intrigue of Tyrconnel with Louis XIV., founded on the known inclination of James to deprive a Protestant successor of the crown of Ireland, will not account for the fears entertained at this period for the Protestant succession to the crown.

Mission and intrigues of Dyckvelt.

The petty diplomacy of Barillon, Bonrepaux, D'Albyville, and D'Avaux, vanished before the antagonist mission of Dyckvelt, sent over to England by the Prince of Orange. Dyckvelt arrived[a] in London on the 18th of February, 1686–7. His instructions, as stated by Burnet, who professes to have drawn them up, bore in substance, that he should expostulate, respectfully but firmly, with the King on his policy at home and abroad; that is, with reference to the Catholics and his connection with France; that he should endeavour to bring the King to a better understanding with the Prince; that he should assure the Church party of the Prince's firm attachment to the Church of England; that he should press the Dissenters to stand off from the Court, and not be drawn in by any promises of the King to assist him in the elections; that he should hold out to them a full toleration, with the hopes of "a comprehension" in "a better time," if they then stood firm; that he should do away certain impressions respecting the Prince;—for instance, the suspicion of the Church party "that he was a Presbyterian;" of the Dissenters, "that he was arbitrary and imperious;" and the report, "which some," says the Bishop, "had the impudence to give out, that he was a Papist."[b]

The Church party must have had a more than common share of self-complacent credulity to be brought to suppose, that a Dutch Calvinist felt zeal for the Church of England. The notion of the Dissenters, that he was "arbitrary and imperious," proved too well founded after his accession to the throne.[c] As to the report of his being "a papist," it originated, doubtless, in certain

[a] Bur. iii. p. 173, &c. Oxf. ed. 183.

[b] Ibid. p. 174.

[c] His arbitrary disposition has been laid to the account of his Dutch advisers. "Dyckvelt," says Lord Halifax, "put the King on arbitrary counsels." Hal. MS.

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politic manifestations of favour to the Catholics, made by him at various times, to James[a], the Emperor, and Innocent XI.[b]

It would be a wrong to the character, and a misapprehension of the genius, of the Prince of Orange, to suppose that he set the value which he professed to set upon religious tests. Inheriting the principles, and living in the practice of religious freedom,—essentially a politician,—ambitious and enlightened,—he must have been sensible of their mischievous bigotry and injustice; but to abandon the tests would have been to alienate his party in England, and thus throw up the great game of succeeding in his own person to the crown.

One article only of Dyckvelt's instructions came within the legitimate range of the rights and duties of an ambassador; that which related to his course of proceeding with the King. The rest was a warrant for improper practice with the King's subjects. But the nearest interests of the Prince of Orange were at stake; the subjects of James conspired with a foreign Prince for their laws and liberties; and in such a case men do not look very narrowly into the obligations of international and municipal jurisprudence.

D'Albyville, a Catholic, was forced by James upon the States-general and the Prince. He was obnoxious to both, not perhaps for his mere religion, but for the fidelity which it implied to the designs of the King. The States refused him, on a point of form, the honours of a ceremonial public audience, and James, in consequence, would not, at first, receive Dyckvelt either publicly or privately. After the lapse of several days, the States yielded, and the King told Van Citters that Dyckvelt might see him as soon and as often as he pleased.[c]

James suspected the objects of the mission. He penetrated the very instructions given to Dyckvelt by the Prince. Conversing with the nuncio he said, the object of Dyckvelt was to observe his measures in favour of the Catholics, reinstate the Prince in his

Le Roi à Bar., 2 Juin, 1687. Fox MSS.
Burn. pp. 174, 175. Oxf. ed. Note by Lord Dartmouth.
Lett. of Van Citt. Feb. 25. 1686-7.

good graces, by making him come into the measures of the Prince, not the Prince, as in duty bound[a], into his; and if this could not be effected, to stir up faction in the court, the city, and the Parliament; "for the Prince," he added, "was a partisan of the test, and a sly Presbyterian."[b]

On the 3d of March, the King received Dyckvelt with marked expressions of personal civility and public friendship. He discarded or dissembled his suspicions. "The King," says Van Citters, "no longer suspects M. Dyckvelt of secret designs to the prejudice of his affairs.[c]" Dyckvelt urged upon him, in substance, how easily he might, with his resources, if he pleased, be secure at home and the arbiter of affairs abroad, and laboured to convince him that the abolition of the tests would but lead to a commonwealth.[d]

The King, in answer, required that the Prince should submit implicitly to his will, as he was head of the family. Dyckvelt observed, that the Prince had carried his complaisance to the utmost length, short of giving up his religion. James did not condescend to reply[e]; but Sunderland and the other ministers still pressed the envoy, and engaged that if the Prince concurred in the abolition of the tests, "the King would go into close measures with him against France."[f] Dyckvelt cut the matter short by declaring that the Prince could never be brought to hearken to any proposition involving his consent to the repeal of the tests.[g]

Burnet professes to have received this account of the mission from Dyckvelt himself.[h] It is unfaithful in a material point. The fact is suppressed by the envoy or the historian, that Dyckvelt for a time concurred in the King's measures. His concurrence is placed beyond doubt by the despatches sent from London to D'Albyville,

[a] "Come sarebbe il dovere." D'Adda, Feb. 7. 1686-7.

[b] "Un testardo ed un Calvinista finissimo." The words, "sly Presbyterian," are written in the margin of the Italian MS. by Sir J. Mackintosh, as the translation of "Calvinista finissimo," and have therefore been adopted.

[c] Dutch Pol. Corres. ubi suprà.

[d] Bur. vol. iii. p. 177. Oxf. ed.

[e] Bur. vol. iii. p. 178.

[f] Ibid.

[g] Ibid.

[h] Bur. vol. iii. p. 178.

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at the Hague[a]; and by a letter of Don Pedro Ronquillo to the King of Spain.[b] The Spanish minister expressed to Dyckvelt his surprise that the latter should oppose the establishment of liberty of conscience, after having fully approved it ten days before.[c] Dyckvelt replied, that his opinion was changed by communication with leading persons of the Anglican or Church of England party, who convinced him that if the tests were removed, England, on the King's death, would become a republic, which would prove ruinous to Holland; and by his own fears of French influence in the King's councils. The Dutch envoy, by entering into the King's views respecting the tests, evidently departed from his instructions. His motives cannot be assigned with precision or certainty. The King's earnest assurances of a desire to maintain peace with the States,—of his readiness even to make common cause with the Dutch for the maintenance of the peace of Europe[d], —of his intention not to invade the rights of the Protestants, but simply to give liberty of conscience to the Catholics, by which Dyckvelt is stated to have been surprised and gratified[e]—these assurances, joined with the influence of the imperial and Spanish ministers[f], may have brought him to assent to the measures of James.

His change of opinion, or rather relapse to his instructions, is more clearly accounted for. The High Church party, as he told Ronquillo, played upon his fears of a republic; the Whig opposition told him he should place no trust in the King[g], and the Prince of Orange was put upon his guard by a more specific warning, treacherously conveyed from the bosom of the ill-fated King's most secret councils. Lady Sunderland addressed a letter, with extraordinary precautions of secrecy, to the Prince, informing him of a scheme laid by the government of which her husband was the head, "to flatter Monsieur Dyckvelt with a great many fine things; that there shall be an entire union between England

[a] D'Avaux, 22 Av. 1687. Fox MSS.
[b] MS. Letter of Ronq. 26th May, 1687. [c] Id. ibid.
[d] Dutch Pol. Cor. Letter of Dyck., 4th and 18th March, 1687.
[e] D'Avaux, ubi suprà. [f] Letter of Ronq. ubi suprà.
[g] MS. Lett. of Don Ped. Ronq., 26th May, 1687.

and Holland, &c., and for this (she says) they ask you to bid Monsieur Dyckvelt and Monsieur Citters declare, in your name, that you wish the Parliament would take off these laws, and that you think it reasonable they should do so. By this means they fancy they can compass their point, which, when done, I think 'tis plain the article upon your part is upon record, theirs only verbal; your Highness is the best judge of the likelihood of its being performed." [a]

Two questions may here suggest themselves; the first, whether the offers of the King were deceitful or sincere; the second, whether the letter of Lady Sunderland was written with or without the participation of her husband. There are strong grounds for pronouncing against the sincerity of James. He could not, without violences almost inconceivable, overcome his sympathies, and sever his connection, religious, political, and pecuniary, with Louis XIV. It is true he was a conscientious religionist, but his political morality was like that of other kings and princes, and he would not scruple to deceive a son-in-law, whom with good reason he hated and feared. His proposition, then, of joining the confederacy against France, may be regarded as a lure to obtain the assent of the Prince to the repeal of the tests, for the purpose of ruining his credit in England.

There appears no direct proof that Lord Sunderland dictated the letter of his wife; but the circumstances seem conclusive of the fact. He was receiving at the time a French pension, dependent upon his master's continuance in the interests of France. By the warning conveyed in his wife's letter he would at once establish a claim on the Prince, and widen the breach between the Prince and the King, for the greater security of his pension from Louis. This seems to bear the impress of his intriguing genius.

It may be, and has been supposed, that Lady Sunderland was moved by over-ruling sentiments of religion and patriotism, to address a letter so extraordinary to one with whom she had no previous correspondence, and little or no personal acquaintance.

[a] Dal. App. part i. p. 211.

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Her character is transmitted by her contemporaries with a perplexing diversity of judgment. She is represented as an excellent person, whose Protestant zeal was a standing reproach to her husband's apostasy[a],—as a woman of subtle wit and admirable address[b],—as familiar with intrigues of gallantry and politics[c],—as a fawning, dissembling flatterer,—as a hypocrite, whose religion was but artifice and ostentation[d].

The first and favourable testimony to her character would bear out the supposition that she acted from herself. It is that of Evelyn, a most respectable witness, but one upon the simplicity of whose virtues, and sincerity of whose high Church zeal, a woman of "subtle wit," who made a show of devotion, might easily impose. A passage in one of his letters addressed to Lady Sunderland, favours this opinion:—"I am not unmindfull," says he, "of the late com'and you layed upon me to give you a catalogue of such books as I believed might be fit to entertain your more devout and serious hours."[e] The Princess Anne, writing to her sister of the person who sought such virtuous entertainment for her serious hours, says, "I can't end my letter without telling you that Lady Sunderland plays the hypocrite more than ever, for she goes to St. Martin's in the morning and afternoon, because there are not people enough to see her at Whitehall Chapel, and is, half an hour before other people come, and half an hour after every body is gone, at her private devotions. She runs from church to church after the famousest preachers, and keeps such a clatter with her devotions that it really turns one's stomach."[f] This vigorous sketch may be somewhat overcharged, but the suspicion is irresistible, that the person who was its subject, played upon both the literary vanity and pious zeal of Evelyn.

The letter was communicated to the Prince through Sidney, his chief English confidant in preparing the Revolution, and the reputed

[a] Evelyn's Dia. See p. 273. ante. [b] Kennet, vol. iii. p. 488.
[c] Bonr. to Seign., 21st July, 1687. Fox MSS. D'Avaux, 20th May, 1688. Fox MSS.
[d] Letters of the Princess Anne to the Princess of Orange. Dal. App.
[e] Ev. Dia. vol. ii. p. 268. [f] Letters of the Princess Anne. Dal. App.

lover of Lady Sunderland. It was, notwithstanding, talked of in London and at the Hague. Sunderland vindicated himself from all share in it by the impossibility of his trusting Sidney, a man whom he must hate as the known lover of his wife.[a] D'Avaux, on the other hand, treats the favour of Sidney with the lady as the source of his influence over her lord.[b] Skelton, when minister at the Hague, was instructed by Sunderland to give his confidence to Sidney; his suspicions were awakened, and he henceforth made unreserved communications respecting Sidney and the Prince of Orange only to James himself. D'Albyville entertained and acted on the same suspicions of an understanding between Sidney and Sunderland. D'Avaux, writing to Louis, says, he had it from James's three last ambassadors at the Hague, that the Prince of Orange was acquainted with every secret of James's cabinet.[c] Bonrepaux, who far exceeded Barillon in penetration and dexterity, writes to his court in July, 1687, soon after the return of Dyckvelt to the Hague, that of the chief counsellors of James only one served him with single-minded fidelity. Sunderland, Godolphin, and Churchill, he says, already worked in secret to merit the favour of the Prince of Orange. The solitary exception was the Chancellor Jeffreys, a madman, says Bonrepaux, who did all that was desired of him without providing for the future.[a]

The Revolution of 1688 has, among many advantages, the signal one of having been bloodless. But whilst other great political changes in nations and governments have been achieved by resolute spirits from motives of ambition, vengeance, love of liberty, or love of country, it will be found that in the ruin of James and elevation of William, the dominant elements were intrigue, perfidy, and intolerance.

Dyckvelt returned to the Hague at the end of May. An envoy extraordinary from the Emperor had come to London at the same

[a] Bonr. to Seig. 21st July, 1687. Fox MSS.

[b] Neg. du Compte D'Avaux. Fox MSS.

[c] Neg. du Compte D'Avaux, 20th May, 1688. Fox MSS.

Un extravagant qui fait tout ce qu'on veut; et le seul, peut-être, qui ne prends pas des mesures secrettes.

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time, on the suggestion of the Prince of Orange, for the purpose of co-operating with the Dutch envoy in detaching James from the King of France.[a] The ministers of two princes so zealously Catholic as the Emperor and the King of Spain must have thought the proffered accession of James to the confederacy, upon the condition of the Prince's assent to the removal of the tests, a most reasonable overture, and urged its acceptance. By what arguments or promises, by what exercise of his authority or address, the Prince reconciled his Catholic confederates to his refusal, has not appeared. The knowledge is, perhaps, still attainable from the archives of the Vatican, Vienna, and Madrid. It would throw a new and valuable light upon the personal character of William and the history of his time. Louis XIV., writing to D'Avaux when the Prince had just sailed on his expedition to England, expresses the most serious fears for the Catholic religion, if the Prince of Orange should prove as fortunate in seducing the people of England as he had been in imposing on the courts of Rome, Vienna, and Madrid.[b] It may be suggested, without rashness, that he held out hopes of relief to the Roman Catholics which he did not afterwards fulfil. But it is due to him to add, that the Protestant bigotry, which had too great a share in the Revolution, confined religious freedom within a party or a sect, and debarred King William from acting on his own views.

A material fact, it has been shown, is suppressed in Bishop Burnet's account of the mission. It is further doubtful whether Dyckvelt addressed the King on the subject of the tests, in the tone for which he has received credit from the historian. The envoy himself, in a letter to the States, says, that "the King, in his private cabinet, communicated to him his determination to give liberty of conscience in religion to all his subjects, in the manner of their High Mightinesses, adding many Christian and politic consi-

[a] D'Avaux, 14th Aug. 1687. Fox MSS.

[b] S'il est aussi hereux à séduire le peuple d'Angleterre qu'il a été à tromper les cours de Rome, Vienne, et Madrid, il ne faut pas douter que notre religion ne reçoive un très-grand préjudice. Louis to D'Avaux, Nov. 1688. Fox MSS.

derations and reasons, and stating that a proclamation of his intentions, provisionally to be inserted in the Gazette, was already drawn up in council."[a] Dyckvelt, in this despatch, does not allude to any objections made by him in his own name, or in that of the Prince. The King charged him at his departure with a letter to the States, bearing the most flattering testimony to his conduct[b], and even made him the vehicle of his reasons for removing the tests to be communicated to the Prince of Orange.[c] Facts and circumstances thus appear to negative Dyckvelt's having remonstrated with the King on the subject of the tests, in a tone so peremptory and decisive as Burnet represents him to have used. He, however, did suggest or propose objections: Barillon mentions, as Dyckvelt's chief argument, that the adherence of the Prince and Princess to the high Protestant party promoted the tranquillity of his kingdom, and the interests of the Catholics themselves, by preventing the nation from proceeding to extremities.[d] It would appear from a despatch of D'Avaux[e], and from the ungenerous letter of the Emperor to James in his subsequent ill fortune, that the imperial envoy took the same view, and advised him to desist[f]; but nothing could check James in his ill-starred career.

Deceived by Dyckvelt, and supposing, perhaps, that Dyckvelt was duped by him, the King had hopes of finding the Prince more tractable upon the envoy's return. He was not a little disappointed by the contrary effect. The Prince, on the return of Dyckvelt, declared still more firmly against the removal of the tests.[g] This is easily accounted for. The King, soon after Dyckvelt's departure, knew the fact, but not the extent of the Dutch envoy's intrigues. Dyckvelt himself could not conceal his triumph on the eve of his departure.[h] He left England for the Hague, charged with letters to the Prince of Orange from leading

[a] Dutch Pol. Cor. Dyck. 1st April, 1687. (The declaration of indulgence appeared on the 4th of April.)

[b] Vous ne pouviez pas faire meilleur choix d'aucun ministre,—sa personne nous ayant été si agréable, et sa conduite le sage.

[c] The King to the P. of Orange. Dal. App.

[d] Bar. 12 Juin, 87. Fox MSS.

[e] D'Avaux, 14th Aug. 1687. Fox MSS.

[f] Life of K. James.

[g] D'Avaux, 19 Juin, 1687.

[h] D'Adda, 13th June, 1687.

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persons, both Tories and Whigs, couched in terms so explicit that this mission may be regarded as the first step in the conspiracy which produced the Revolution.[a]

Lord Churchill answers for the Protestantism of the Princess Anne, "even to death;" declares for himself, "that he sets at nought his places and the King's favour, in comparison with being true to his religion;"—that "in all things else" the King may command "his life," and that "though he cannot live the life of a saint, he will show the resolution of a martyr."

The favourite of a king, through one of the most degrading of all relations,—that of brother of the King's mistress,—he could not, in reason or consistency, be expected to have lived the life of a saint, or when he promised disinterested zeal, and the resolution of a martyr, to keep his word. Accordingly, Lord Churchill continued to profit by the places, and betray the confidence of James, whilst James had places to bestow; changed sides with fortune, that guide of the base; and has left the name of Marlborough, like that of Bacon, a perpetual memorial to mankind of the excellence of human capacity, and infirmity of human nature.

Lord Nottingham professed unbounded zeal for the Prince of Orange, assured him that he was looked to as their sole refuge by the Protestants, and refers him for particulars to Dyckvelt. It will be found that, when the hour of trial came, Nottingham's conscience revolted, or his heart failed him. The brothers Clarendon and Rochester employed, in their letters, mere general terms of compliment and respect. Skelton, when minister at the Hague, told D'Avaux that the Prince of Orange endeavoured to gain over Rochester upon his dismissal from office[b]: the letter of Rochester was written in answer to one from the Prince, and its evasive generalities may have had a share in provoking the dislike with which he was ever after regarded by William. Rochester himself[c] supposes that the displeasure of the Prince of

[a] See Dyckvelt's mission in Dal. App. [b] D'Avaux, 19th April, 1688. Fox MSS.
[c] Rochester to the Prince of Orange, 10th July, 1688. Dal. App.

Orange proceeded from his not "paying his duty to his Highness when last out of England," and merely asks pardon for the omission, without offering any explanation. The compiler of the "Life of King James" explains it in a curious manner.[a] Rochester asked the King's leave to go to Spa, under the pretence of ill-health, but in reality to see the Prince of Orange. The King granted him leave, with the embarrassing restriction that he should not take Holland in his way. He could neither disobey the King, nor give up his journey, without betraying his intention; and by this involuntary slight he offended the Prince. It appears, however, from Rochester's own letter, that the Prince had "diverse reasons for being unsatisfied" with him. The fact probably was, that the Prince of Orange, having failed to win him over to his interests, freely vented his disappointment and disgust. William, whilst his design upon England was still pending, discarded irresolute and trimming partisans. Nottingham and Halifax may be cited as instances. It is true he employed them afterwards, but it is not certain that they possessed his confidence or overcame his contempt.

A spirit of petty jealousy of each other is observable among the chief actors in the Revolution of 1688. Lord Danby insinuates distrust of Lord Halifax, to whom Dyckvelt was accredited by the Prince[b], and proposes that a deputation of the party should have a personal conference with him. The Earl of Devonshire, whose zeal as a Protestant and patriot was stimulated by a heavy fine to which he was condemned for striking Colonel Culpepper in the King's palace, declares his readiness, in common with thousands, to receive the Prince's orders on any occasion. Lord Shrewsbury, converted from popery to protestantism, professes all the devotion and zeal of a new convert. The Bishop of London says that he and others pray for the Prince of Orange, not only on account of "his near relation to the crown," but for "his usefulness to it;"—"for if," says this prelate, "the King

[a] Vol. ii. p. 102.

[b] Letter of Lord Danby. Dal. App. part i.

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should have any trouble come upon him, which God forbid, we do not know any sure friend he has to rely upon abroad besides yourself." It seems difficult to take those expressions in any other sense than that of simplicity so gross as to be wholly irreconcilable with the character of Compton; or of hypocrisy to a pitch of grossness and grimace which it would be indecent to suppose even in that bold prevaricator.[a]

Dyckvelt was not long gone when the death of the Duchess of Modena afforded an opportunity for sending over another emissary, under pretence of condoling with her daughter, Mary D'Este, James's Queen. The person sent was Count Zuylistein, who stood high in the Prince's confidence; was his relative; and, under the careless gallantry of a soldier and man of pleasure, concealed an expert capacity for business and intrigue.[b] James at this period had announced his intention of calling a new parliament. It was a leading object of the mission of Zuylistein to discover whether this promise would be kept. Whilst a hope remained that rights would be secured and wrongs redressed by the constitutional agency of a parliament, it was feared at the Hague that the mass of the nation, and the leading party chiefs, would shrink from the extremities of foreign invasion and domestic war.

Mission and intrigues of Zuylistein.

It is stated by Burnet[c], that Lord Mordaunt proposed to the Prince of Orange, in 1686, a descent upon England, and that the Prince rejected the proposition only because at the moment it was too perilous and romantic. A letter of that nobleman, carried over by Zuylistein to the Prince, confirms the statement. He now, however[d], recommends caution and delay, chiefly on the ground that a parliament may be summoned. Nottingham, on the other hand, reasons at length against the probability of a parliament, and upon the weakness of the court, but suggests no proceeding.[e] Lord Halifax at the same time addressed to the Prince of Orange

[a] See his answers to the King, post.
[b] Lord Mordaunt to the Prince of Orange. Dal. App.
[c] Vol. iii. p. 275. Oxf. ed. [d] 4th Sept. 1687. Dal. App.
[e] Letter of Nottingham to the Prince of Orange. Mission of Zuylistein. Dal. App.

several letters, which display every felicity of judgment, wit, and style, and yet inspired the Prince with distrust of his motives or his character. He describes the court as infatuated, the nation as alienated and on the alert, the Dissenters as falling off, the moderate Catholics as alarmed: he steadily and sagaciously declares his conviction throughout, that, whatever the promises or proclamations of James, England would not see another parliament in his reign; and yet he most inconsistently recommends to the Prince of Orange caution, delay, and an attendance upon the course of events.[a] The Prince, to whom such counsels were far from congenial, gave directions that his secrets should no longer be confided to one so irresolute, vacillating, or intriguing.[b] Lord Danby alone, of those who were then leading politicians, and whose names are become historic, appears to have advised decisive measures[c], without reference to the question of the calling or not calling of a parliament, and continued to urge a personal conference with the Prince.[d]

Bishop Burnet states that Lords Halifax, Shrewsbury, Devonshire, Danby, Nottingham, Mordaunt, Lumley, Admirals Herbert and Russel, and the Bishop of London, "often met at the Earl of Shrewsbury's, there concerted matters, and drew the declaration on which they advised the Prince to engage." Concert upon any matter of decisive importance was scarcely attainable between the persons above named. The mutual jealousies of Halifax and Danby, and the scruples or timidity of Nottingham, must have rendered it impossible; and if the declaration alluded to be that which the Prince of Orange afterwards put forth, it could not have been drawn or sanctioned by those who would not sign the invitation which preceded it. It is true that, in 1687, the Earl of Shrewsbury went over on a secret mission to the Prince of Orange; but an agent who went introduced and recommended by so temporising and manœuvring a politician as Halifax could hardly

[a] Letters of Halifax to the Prince of Orange. Mission of Zuylistein. Dal. App.
[b] Dal. App. [c] Burn. vol. iii. p. 278. Oxf. ed. 1823
[d] Lett. of Lord Danby. Dal. App.

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have proposed decisive counsels, or greatly advanced the designs of the Prince.

A conspiracy so irresolute and disunited would have failed against any other reigning prince in Europe. James II., a tyrant and a bigot, without capacity or energy, and obstinate only in his infatuation, was an easy conquest.

Correspondence of Stuart and Fagel.

The inutility of the negotiations for the repeal of the tests, through Penn and D'Albyville at the Hague, and with Dyckvelt in London, failed to show James the hopelessness of all attempts to obtain the sanction of the Prince of Orange. Stuart, a Scotch adventurer in the expedition of Argyll, but pardoned, and even received into favour, through the influence of Penn, was authorised by James to address a letter to the pensionary Fagel, with a view to obtain the concurrence of the Prince. No answer was returned to his reiterated applications. This silence was construed into a consent. It was given out that the Prince had at last come into the King's measures. The effects upon the interests and designs of William were alarming. His English partisans felt depression and distrust. The advantage thus fraudulently obtained recoiled upon the King. Fagel, by the direction of the Prince, replied to Stuart in detail. The arguments on both sides have ceased to be interesting. Two sentences of the pensionary's letter may be still worth citing. After asserting, somewhat ostentatiously, the Prince's sacred regard for the principles of religious freedom, he declares that the Prince and Princess are willing to concur in the repeal of the penal laws; "provided always that those laws remain still in their full vigour by which the Catholics are shut out of both Houses of Parliament, and out of all public employments, ecclesiastical, civil, and military." Here, it may be observed, the exception devoured the rule, and the pensionary forgot the exclusion of the Protestant dissenters.

It was boasted that the Prince of Orange conceded a liberal toleration, when contrasted with the persecutions of Louis XIV.

If the rights of conscience entitled the French Protestants to the Edict of Nantes, the English Catholics and Dissenters had assuredly the same claim to the same measure of religious liberty and civil privilege. But the toleration of the Prince of Orange, or rather of the men of 1688, fell far short of the Edict of Henry IV. James, it is true, was of the religion of the exceptive or hostile minority, whilst Louis was of that of the majority, in their respective kingdoms. This was a reason for rendering the throne of England Protestant, upon the manly principle of the Bill of Exclusion; not for disfranchising even a fraction of the people.

The pensionary, in his letter, further says, "Their Highnesses have ever paid a most profound duty to his Majesty; which they will always continue to do, for they consider themselves bound to it both by the laws of God and of nature." The revolution of 1688, as between James and his subjects, requires no justification; but the relations of father and children, between him and the Prince and Princess of Orange, are essentially distinct; and the obligations which in this sentence they so solemnly avow contain, perhaps, the strongest case which could be made against them by their enemies.

Fagel's letter was laid by Stuart before the King, who submitted it to a cabinet council.[a] Eventually James, as before, would have all or nothing. Burnet ascribes his pertinacity to the influence of Jesuits and the French ambassador; and asserts that the lay Catholics pressed him to accept the Prince's offer, "which would have made them both easy and safe for the future."[b] Surely James required no extrinsic influence to make him reject a concession so utterly futile, with reference to his grand object of placing Catholics in situations of trust and power. It is nearly as improbable that the lay Catholics, in this stage of the King's fortunes, would have advised him to accept it. There was, at this period, no aggregate Catholic opinion. When such opinion is mentioned, it could be understood only as proceeding from a few

[a] Bur. vol. iii. p. 216. Oxf. ed. [b] Ibid. p. 217.

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individuals, more or less conspicuous, in direct personal intercourse with the Court; but those Catholics who had influence over James, or access to him, were either actually enjoying or eagerly looking forward to those objects of ambition and emolument which the Court could bestow, and would scarcely have sat down contented in a state of mere animal security and civil degradation. It may have been the opinion of Lord Bellasis, in whom advanced age, great wealth, and grovelling avarice destroyed every vestige of ambition and generosity; — who refused the unfortunate King, when going away, the loan of a thousand pounds.[a]

The letter of Fagel was intended for publication. The Prince ordered Bentinck to have it translated by Burnet for the purpose.[b] It was accordingly circulated throughout England by order of the Prince, and it caused a powerful reaction against James. He adopted the desperate resource of proclaiming it either a fabrication, or a publication unauthorised by the Prince and Princess of Orange. It was treated as a forgery in a court pamphlet called "Parliamentum Pacificum." Fagel remonstrated, in a letter addressed to D'Albyville; asserted that the letter was not only authentic, but fully approved by the Prince and Princess; that all this was perfectly known to the King, to Sunderland, who licensed the pamphlet containing the falsehood, to D'Albyville himself; and, completing the Prince's triumph, made the vindication of the letter as public as the letter itself.

Letters between the King and the Princess of Orange.

Finding the political conversion of the Prince of Orange impracticable by negotiation, James attempted the religious conversion of the Princess by a polemical correspondence.[c] In justice to one of the most affectionate and unfortunate of fathers, it should be observed that he recommended his creed with candour and moderation, as well as with the earnestness of a sincere conviction. But theological disputes are never so envenomed and outrageous as when they spring only from factitious zeal and the baser passions.

a. Halifax MS.

b. Lettre de Guill. III. au Comte de Portland, 21st Sept. 1687. Portland MSS. Burr. vol. iii. p. 196. Oxf. ed.

Bishop Burnet declares that, upon reading the first letter of the Princess in reply to her father, "it gave him an astonishing joy to see so young a person *all of the sudden, without consulting any one person*, to be able to write so solid and learned a letter." This solid learning in divinity contrasts somewhat inconsistently with her ignorance in matters of state, which were materially, though doubtless not equally, requisite in the presumptive heiress to a crown.

But is it credible that the letter of the Princess, upon which much depended, and which was sure to be perused by friends and enemies in England, was neither prepared nor revised by others? The question is one rather of personal veracity than historic truth, and may be abandoned to the reader as one of the many instances in which Burnet puts his credit to a perilous trial. If the whole letter was the composition of the Princess, she must have been no mean proficient in the artifices of disputation. The most unscrupulous pamphleteer in politics or theology could not launch a falsehood with more easy confidence as a received truth. "The Church of England," said James, "does not pretend to infallibility, yet she acts as if she did; for ever since the Reformation she has persecuted those who differ from her, Dissenters as well as Papists, more than is generally known." The Princess replies, that "she does not see how the Church of England could be blamed for the persecution of the Dissenters; for the laws made against them were made by the State and not by the Church, and they were made for crimes against the State!"[a] The Church, then, has had no share in the persecutions of the Protestant Dissenters; and the Dissenters have been oppressed and proscribed for political offences, not for their religious tenets! Burnet, a historian and a bishop, glides with seeming unconsciousness over these monstrous falsifications. It is scarcely necessary to add, that the King was not more fortunate in his polemics with his daughter, than in his negotiations with her husband.

[a] Burnet, vol. iii. p. 202. Oxf. ed.

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There is, perhaps, but one aspect under which the correspondence any longer merits notice. It is difficult to contemplate, without a feeling of contemptuous pity, great principles and the public cause turning upon a hinge so weak and worthless as the issue of a theological dispute between a woman without information or capacity, and a poor bigot, whose perverse conscience or obstinate imbecility would have been harmless, if not respectable, at their proper level, in a cloister or in humble life. Such phenomena in the history of nations are but natural consequences where a people is not wise, civilised, or independent enough to take into its own hands the substantial administration of its own rights and interests, and all is left to be partitioned or disputed between court factions and the crown.

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DISCUSSIONS BETWEEN JAMES AND THE STATES GENERAL.—ABUSE OF THE PRESS.—CONDUCT OF TYRCONNELL.—RECALL OF THE BRITISH REGIMENTS FROM HOLLAND.—INTRIGUE OF SUNDERLAND.—PRETENCES AND PREPARATIONS OF THE PRINCE OF ORANGE.—SECOND MISSION OF ZUYLISTEIN.—THE PRINCE INVITED OVER.—PRINCIPLES OF THE KING AND THE REVOLUTIONISTS.—LETTERS TO THE PRINCE FROM ENGLAND.—ARMAMENT OF THE PRINCE.—CONDUCT OF THE KING.—MISSION OF BONREPAUX.—MEMORIAL OF D'AVAUX.—ENTERPRISE OF THE PRINCE.

Discussions between the King and the States General.

THE year 1688 opened with a lively feeling of its centenary associations, and an ominous presentiment of great events. Men saw, with excited imaginations, the national religion and independence exposed anew, after the lapse of a hundred years, to the terrors of popery and slavery.

D'Albyville had come over from the Hague, in the autumn of the preceding year, with the Prince's peremptory refusal to sanction the repeal of the tests.[a] The relations between England and Holland were most precarious. The tone of James was angry and peremptory, that of the States temperate but unyielding; and their ostensible differences turned upon no question of grave importance to the interests of either nation. The two points in dispute were, the affair of Bantam, so called,—a question of commercial interests between the Dutch East India Company and British traders to the East,—and the demand of James, that Doctor Burnet should be delivered up, "as a fugitive libeller and rebel," to the laws of his country and the justice of his sovereign. D'Albyville, on his return to Holland, in January, 1687-8, renewed in vain his memorials on both subjects. The affair of Bantam, after several remonstrances, replies, and rejoinders, was abandoned, without satisfaction given; and the States refused to surrender Burnet, on the ground of his marriage in Holland and his natu-

[a] MS. Letter of Don Pedro Ronq., 15th Sept. 1687.

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ralisation. Their refusal was just, but their reason untenable. His naturalisation abroad did not affect his allegiance and responsibility at home. The affair of Burnet is still less important than that of Bantam, though he has chosen to treat it as if his personal memoirs were identical with "The History of his own Times." Both were soon eclipsed and forgotten in an event proclaimed by the Gazette, on the 5th of January, 1688,—the pregnancy of James's queen.

It was the fortune of James II. that circumstances of the most auspicious promise proved the most disastrous to him. The death of Monmouth was supposed to consolidate his tyranny. In effect, it only took off the weaker of two rival aspirants for his throne, and ranged all his adversaries under a single leader, who was one of the first generals, and pre-eminently the first politician of Europe, in his time. The Queen's pregnancy, by multiplying the chances of a Catholic successor, precipitated the invasion. It was not, however, the first circumstance which hastened or decided the views of William upon England. The inclination of James, and the secret negotiation between Louis XIV. and Tyrconnell, to deprive the Princess of Orange of the succession to the crown of Ireland, were known to the Prince, and caused him the greatest uneasiness.[a] But the one subject of alarm was removed by the other. James, upon the contingency of a Catholic successor, must have been as much inclined to perpetuate as he had before been to sever the connection with Ireland.

The Queen's pregnancy was made the subject of satirical pleasantries and ribald jests. "The stories," says Ralph, "were neither over decent, well bred, nor charitable. A pillow, a dropsy, a tympany, a cushion, the Queen's maladies, the King's crazy constitution, were the favourite topics of the wit and humour of the day. Nor were they confined to conversation only: they found their way to the

Abuses of the press.

[a] "J'ai su par le Marquis d'Albyville que la plus grande inquiétude du Prince d'Orange est que l'Irelande ne se mette en état avant la mort du Roi d'Angleterre de se soustraire à sa domination lorsque il viendra à la couronne. Je sais bien certainement que l'inclination du Roi d'Angleterre est de faire perdre ce royaume à son successeur." Bonrepaux à Seignelai, 4 Sept. 1687. Fox MSS.

press; they were set forth in verse and prose, and circulated from hand to hand to every corner of the kingdom." It would appear that pasquinades on the subject were fixed to dead walls during the night, and that a placard, announcing "a day of thanksgiving to God for the Queen's being great with a cushion," was found in the morning upon one of the pillars of a church.[a] Lampoons and libels on the subject were published in Holland. Partridge's predictions, printed at the Hague, were made a vehicle for charging the King with a project to defraud his daughters of the succession, by imposing a supposititious heir.[b] The severe enforcement of the act of the 14th of Charles II., revived by the last parliament against all circulators of unlicensed, seditious, and treasonable publications, together with such further punishments as might be inflicted by the utmost rigour of the law and the *prerogative royal* on such offenders for their contempt, was commanded by proclamation.[c]

Had the King confined himself to the statute, and left out of sight the tyrant and the prerogative, he might pass unblamed. The execution of the law would be regarded even with satisfaction, as one of those signal instances of retributive justice which men call providential. No sovereign could tolerate scurrilities openly bastardising his expected issue, with the aggravation of imputing to him the guilt of imposing upon the nation a spurious heir to the crown; and the party now brought under the edge of an inhuman act of parliament were both its authors and revivers. The sentiment of justice in the moral order is never more lively and unequivocal than when oppressors become in their turn the victims of their own arts.

Conduct of Tyrconnell.

Tyrconnell, it has been observed, intended to overthrow the Act of Settlement in Ireland; in other words, to compel the Protestants to disgorge the confiscated estates of the Catholics. This measure

[a] Letter to Père la Chaise.

[b] "There is some project on foot, either about buying, or selling, or procuring, a child or children, for some uses. Some child is to be topped on the lawful heirs, to cheat them out of their right and estate."

[c] Gazette, 13th February, 1687–8.

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has been uniformly charged by historians upon his impetuous bigotry and want of understanding. It should be judged as the means to an end, and with a double reference to its justice and its policy. The Catholics were despoiled by foreign conquest and superior force. An act of parliament of Charles, to which they were not parties, affirmed but could not consecrate spoliation. There was not that lapse of time which gives to original and remote iniquity the colour of right by prescription. The new possessors had not, like the purchasers of national property in France at the Revolution, paid a consideration to the state. There was then no violation of equity in compelling the restitution; and the only question remaining is its expediency. The end which Tyrconnell proposed to himself was the erection of Ireland into an independent Catholic state under the protection of France. Was the overthrow of the settlement in Ireland by a man who had this end in view the counsel of a rash bigot, or of one who pursued a daring project by daring means and with suitable resolution? By the answer Tyrconnell should be judged.

It was not the only measure recommended by him with reference to the same design. There were six regiments of British subjects in the pay and service of the States of Holland. He advised that these troops should be recalled, and that a regiment composed of such of them as were Catholics, officers and men, should be kept up in the pay of Louis XIV. in France.[a] The proposition was made through Barillon to Louis by Sunderland and by James himself. Among the inducements held out to him was, that the regiment thus maintained would be a nursery for Catholic soldiers, untainted by those maxims dangerous to royalty which were so prevalent in England, and from which the Catholics themselves were not wholly free.[b] It has been the constant endeavour of the enemies of liberty and toleration — churchmen,

[a] Bar. au Roi, Oct. 16. 1687. Dal. Ap.

[b] "Que ce seroit une pépinière pour élever et former des soldats Catholiques qui ne seront pas infectes des maximes dangéreuses pour la royauté répandues par toute l'Angleterre, et dont les Catholiques eux-mêmes ne sont pas exempts." Bar. to the King, 13th Oct. 1687. Fox MSS.

Tories, and Whigs,—to render James odious only as a Papist, and sink his misdeeds as a tyrant. The motives are too obvious to be pointed out; but the foregoing, among many passages in his life, would bear out the opinion, that he encouraged popery, not as his primary object, but as an accessary to despotic power.

Louis declined receiving into France the British troops which should be recalled from Holland, but offered to maintain 2000 men in England.[a] He undertook at the same time to assist James with French troops far exceeding that force[b], for the purpose of putting down his enemies, and making himself obeyed by his subjects.[c] James accepted the former offer with the joy of a tyrant and the gratitude of a slave.[d] The next question was the recall of the troops, or rather the consent of the States to their return.

Recall of the British regiments from Holland.

On the 17th of January, 1688, the King addressed a letter to the Prince of Orange, setting forth, "that he thought it for his service to call home the six regiments of his subjects under the Prince's command in the States' service;" that he had written to the States to the same purpose, and that "he hoped the Prince would do his part in having them embarked as soon as may be."[e] Nothing, according to Burnet, could have fallen out more opportunely for the Prince. It extricated him from a difficulty which he knew not how to surmount. Three of those regiments, containing many Catholics, had been sent over to be employed against Monmouth and Argyll, and were so well treated, that the officers, especially, continued devoted to James after their return to Holland. "This," says the Bishop, "was very uneasy to the Prince, who began to see that he might have occasion to make use of those bodies if things should be carried to a rupture between the

[a] Bar. au Roi, 6 Nov. 1687. Dal. App.

[b] "Je dis à ce Prince que j'avais des ordres bien précis de l'assurer, que quand il auroit besoin des troupes de votre Majesté il en passeroit un plus grande nombre que n'auroit été le corps de ses sujets qui y auroit été entretenu." Bar. au Roi, 8 Dec. 1687. Fox MSS.

[c] "Pour opprimer ses ennemis et se faire obéir de ses sujets." Bar. au Roi. Ibid.

[d] Bar. au Roi. Ibid.

[e] King James to the Prince of Orange. Dal. App.

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King and him, and yet he did not see how he could trust them whilst such officers were in command." There is something worth observing in the gentle ambiguity of phrase,—"if things should be carried to a rupture,"—under which the Bishop cloaks the Prince's designs upon the King's crown. The Prince and the States, however, long and strenuously resisted the King's claim to recall the troops, and at last rather evaded than complied with it. After an angry discussion between D'Albyville and the States, in which the former asserted the inalienable rights of a sovereign over his subjects, the latter insisted on express treaty, and their having levied and paid those troops[a], together with a correspondence, in which James conveys his dissatisfaction to the Prince of Orange, the officers only received the States' permission to return, the Prince of Orange was relieved from uneasiness, and James was obliged to content himself with this deceitful compliance, dictated, he well knew, by the Prince.[b]

Intrigue of Sunderland.

Lord Sunderland, in the mean time, had signalised this transaction and himself by one of his most paltry intrigues. The recall of the troops was concerted with Louis XIV. in the autumn of 1687, under the auspices of Sunderland, but the resolution was not immediately acted upon. Louis, probably suspecting that this delay, like the renewal of the treaty with the States in 1685, was an artifice resorted to by James, in order to obtain more money, instructed Barillon to manifest no impatience, but to penetrate the cause, and keep a watchful eye upon Sunderland. Skelton, now ambassador at Paris, and suspicious, it has been observed, long before he had left the Hague, of a secret understanding between Sunderland and the Prince, suggested the probability of treachery on the part of that cameleon politician. Barillon informed his master, that he could discover no grounds for the suspicion of Skelton; that he was satisfied with the assurance of Sunderland, who told him the delay arose from the reluctance of

[a] Corres. of Van. Citt.

[b] James to the Prince of Orange, 13th March, 1688. Dal. App. Letter of Van Citters, 16th March, 1688.

the chief Catholics to provoke any dispute with Holland, until after the expected meeting of parliament; that he well knew the opinion of the Catholic lords, Powis and Arundel, to be, that the recall of the troops would impede the repeal by parliament of the Penal and Test Acts; that he held back for some days, upon which Lord Sunderland spoke to him more plainly,—in short, that Lord Sunderland offered to remove every obstacle, and hasten the recall of the troops, upon the condition of "an extraordinary gratification," that is, a bribe, in addition to his regular pension, for the peril which he incurred in thus compromising himself with the Prince of Orange.[a] Among the inducements held out to Barillon by Sunderland, was the mean one, that he would employ his influence to keep down the demands of his master upon the purse of Louis. Ingenuously avowing how little his own honour could be relied on, he declares, that he asks no payment until the troops shall have arrived. Nothing seems wanting to complete his baseness but the discovery of his intriguing at the same time, on the same subject, through his wife and Sidney, with the Prince of Orange. There is no direct evidence of this extant, and Bishop Burnet declares, that William disclaimed to him all correspondence with Sunderland. But it would be too much to suppose, that the most reserved of politicians kept no secret from a subaltern in his service, who had in his opinion neither good sense nor good principles[b], and whose vanity and egotism would alone imply the want of discretion.

Barillon, a veteran in court corruption and intrigue, was aston-

[a] Qu'il savait bien qu'on le regardait comme l'auteur de cette résolution, et que ceux qui ne l'approuvent pas trouveront aisement les moyens de s'en disculper auprès de Monsieur le Prince d'Orange et de remettre tout sur lui qu'il voulait bien en courir les hazards, mais qu'il croyait en même temps devoir être assuré d'une protection pleine et entière de la part de votre Majesté, qu'ainsi il me diroit franchement que le peril auquel il s'expose l'oblige à prendre quelque précaution, et à demander que votre Majesté entre en considération de ses services, et lui donne des nouvelles marques de sa bienveillance, en lui accordant une gratification, et en lui continuant sa pension ordinaire, *qu'il ne demandait rien de cette gratification qu'après que les troupes d'Hollande seroient arrivées ici.*" Bar. au Roi, 5 Jan. 1688. Dal. App.

[b] Halifax MS.

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ished at the effrontery of Sunderland's proposal.[a] He, however, transmitted it, with his recommendation to Louis, who consented to give a bribe, short of the expectations of the English minister. Barillon had some difficulty in bringing him to agree to the reduced terms. He succeeded, by giving him to understand there might arise other conjunctures still more important and favourable, in which the use of his influence over James would obtain him further gratifications from Louis.[b] In point of fact, he earned further gratifications by the same prostitution of his office and his honour.[c]

Sunderland, his object thus attained, easily put an end to delays which had been secretly encouraged or created by himself. About forty officers asked and obtained leave to return[d], and a considerable number of the men, Catholics it may be presumed, made their escape to England.[e] These and other Catholics were formed into three regiments, and maintained in England at the cost of Louis XIV.[f]

Pretences and preparations of the Prince and the States.

Hitherto, the assumption of a power to suspend or dispense with laws, was the main grievance specifically urged against the King, and the sheet-anchor of the designs of the Prince. To these were now added the imprisonment of the Bishops, and the imposition upon the nation of a spurious heir to the crown. James II. is sufficiently odious, and his deposition from the throne sufficiently warranted, without injustice or aggravation. It may be right here to pause for a moment upon these three chief heads of accusation. James affected to be above the law, and was therefore a tyrant. He did not, however, assume the right of suspending or dispensing with all laws, as according to the popular notion he is supposed to have done, but only those penal enactments which interfered with his prerogative of commanding the services of all and any of his subjects. His lawyers told him this was a

[a] Je répondis peu à ce discours parceque j'étais fort surpris de la proposition qui m'était faite. Bar. au Roi, ubi suprà.

[b] Id. 26th Jan. 1688. Ibid.

[c] Dal. App. p. 280.

[d] Burn. vol. iii. p. 221. Oxf. ed.

[e] Dal. App.

[f] Bar. au Roi, 26 July, 1688. Dal. App.

prerogative inseparable from his person which no statute could limit or invade. The same prerogative had been claimed by Charles II., vindicated by Shaftesbury, and withdrawn from operation rather than renounced. James, then, did not assert it without precedent, or without law authority. He did not assert it without appeal. He submitted the question to the competent jurisdiction, and eleven of the twelve judges decided in his favour.[a] Such a prerogative, it is true, was equivalent thus far to arbitrary power; but this admission would only prove, that arbitrary power had countenance from the law of England. The judges, it will be said, misinterpreted the law from fear or favour, and were appointed for the purpose. But discarding, as a delusive phrase, the maxim, that the King can do no wrong, and holding James responsible of right, as he was held in fact, still he was not the sole criminal, but the accomplice, and in some measure the victim of corrupt or craven judges, and of an anomalous system of jurisprudence, which allows judges to make law under the name of expounding it. In fine, of the eleven judges who decided the case of Hales, four only were named by the King.

To come to the case of the Bishops,—they refused compliance with an order of their king, whilst they professed passive obedience to him, as a tenet of their church, and after having in precisely the same matter obeyed the royal mandate implicitly in the late reign. They presented a petition to the King desiring to be excused. They considered their petition legal and dutiful, as most assuredly it was. The King considered it a seditious libel, committed them in default of bail, upon their refusal to enter even into their own recognisances; submitted the question to trial by a jury of their common country, and had a verdict against him. His proceedings, then, against the Bishops, however vexatious and oppressive, were not illegal, and therefore not tyrannical. The surest test will be to suppose James, for a moment, a true son, not of the

[a] Case of Sir Edward Hales,—a collusive proceeding, but not an illegal or unprecedented mode of trying a right.

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Church of Rome, but of the Church of England, and the objects of his prosecution, not Protestant bishops, but Dissenters or Papists; — would not his conduct be very differently viewed, though the question of its legality would remain the same? The charge respecting a supposititious heir was one of the most flagrant wrongs ever done to a sovereign or a father. The son of James II. was, perhaps, the only prince in Europe of whose blood there could be no rational doubt, considering the verification of his birth, the unimpeached life of his mother, and the general morality of courts and queens.

The imprisonment of the Bishops, and imposition of a spurious heir, were put forward as the grievances which immediately provoked and justified the expedition of the Prince of Orange.[a] But these incidents were merely seized on as favourable pretences. The Prince had resolved upon it long before, waited only for a favourable conjuncture, and was already making his arrangements in concert with the States of Holland, his allies abroad, and his friends in England.

Admiral Russel went over to the Hague early in 1688, as the organ of the chief projectors of the approaching revolution. His instructions were to lay before the Prince the actual state of the country, and ascertain what might be expected from him. He described the state of England with fairness and sagacity. "All people," he said, "were at gaze; those who had *little* or no religion had no mind to turn Papists, if they could see any probable way of resisting the fury with which the court was now driving;—men of fortune, if they saw no visible prospect, would be governed by their present interest;—they were for the present united; but if a breaking should once happen, and some men of figure should be prevailed on to change, that might go far;—a corrupt and dissolute army was rather encouraged to the commission of outrages upon the people than punished for them, in order that, becoming odious to the nation, it should become

[a] Bur. vol. iii. pp. 239, 240. Oxf. ed. Declaration of the Prince of Orange.

devoted to the court; but the soldiers after all, though bad Englishmen and worse Christians, were yet such good Protestants that they could not be much trusted by James." This is in substance Burnet's version of Russel's report to the Prince.[a] CHAP. XIII. 1688.

"The Prince," continues the historian of his own times, "answered, that if he was invited by some men of the best interest and the most valued in the nation, who should, both in their own name and in the name of others who trusted them, invite him to come over and rescue the nation and the religion, he believed he could be ready by the end of September to come over."

So dexterously and ably had the Prince of Orange conducted his design, that he thus appeared to confer the highest favour as the nation's deliverer, whilst he but realised the dream of his own ambition.[b]

War between the confederates of Augsburg and the King of France was impending at this time. The menacing attitude and preparations on both sides were the common theme of Europe. The Prince, then, to be in a condition to pledge himself to the descent upon England in September, or to pledge himself at all, must, by resistless implication, have had previously come to an understanding upon it with the States of Holland and the other powers leagued against France. The period of Russel's mission is fixed by Burnet indirectly. "The main confidence," says he, "*we* (that is, Burnet and the Prince) had was in the electoral Prince of Brandenburgh, *for the old elector was then dying;* and I told Russel at *parting*, that unless he died, there would be great difficulties not easily mastered in the design of the Prince's expedition to England." The old elector died on the last day of

[a] Bur. vol. iii. p. 241. Oxf. ed.

[b] "As the people," says Ralph, "had reason to complain, he (the Prince) took upon him to redress, and so acquired the glorious name of deliverer, while the part he really played was that of a consummate politician. If this is not panegyric it is truth: princes are governed by their interests and passions as well as private men; and those who have been most idolised by the modern world have, in their most splendid actions, proceeded on motives very different from that love of virtue and glory which animated the heroes of antiquity." Hist. of England, vol. i. p. 997.

CHAP. XIII. 1688. April, and Russel left the Hague before that event. The conspiracy, therefore, to dethrone James, was proceeding both in England and Holland, before the second declaration of indulgence was issued, or the prosecution of the Bishops thought of; that is, before either of the two measures of the King, which the Prince of Orange and his partisans put forth as having provoked and warranted his invasion.[a] But it would be mere waste of proof and time to fix the designs of the Prince at a much earlier date than he professed. At the same time it would be uncandid, if not absurd, to exact from him a morality incompatible with the universal practice of states and governments.

The principal persons who deputed Russel to the Prince of Orange were those who, with Russel himself, afterwards signed the memorable invitation, and had already, in the preceding year, corresponded and practised secretly with the Prince, through Dyckvelt and Zuylistein. They will shortly be found more conspicuous actors in the drama of the Revolution.

Whilst Russel was employed in Holland, Sidney was the chief agent of the Prince of Orange in England. The required invitation was not sent to the Prince as quickly as he had reason to expect it. A letter, dated the 18th of June, without signature, in a female or feigned hand[b], prepared him for its arrival in a few days. "I believe," says the writer, "you expected it before, but it could not be ready. This is only in the name of your principal friends, which are *Nottingham*[23], *Shrewsbury*[25], *Danby*[27], *Bishop of London*[31], *Sidney*[33], to desire you to defer making your compliment till you have the letter I mention. What they are likely to advise in the next you may easily guess, and prepare yourself accordingly. *Halifax*[21] hath been backward in all this

[a] The declaration was dated April 27.; the order in council, commanding that it should be read in churches, was dated May 4.; and the Bishops were sent to the Tower, June 8.

[b] Published in Dal. App., from King William's cabinet.

matter: *Devonshire* hath been with me, and I find will be entirely your friend."[24] This letter, it may be presumed, was from Sidney. If written by Count Zuylistein, who was then in England, it would have been in French.

Second mission of Zuylistein.

The second mission of Zuylistein merits a distinct and particular notice. He was sent over by the Prince and Princess of Orange with their congratulations to James and his Queen, on the birth of their son, at the very moment when the Prince, and, so far as she was competent or allowed, the Princess, were preparing to dethrone the parents and bastardise the child. There is in all this something revolting at first sight, considering the relations of blood and marriage between the respective parties. But it should be remembered in extenuation, that James was trampling at the time on the liberties and sentiments of a free people; that the Prince of Orange had a contingent interest in the succession to the crown, not merely in right of his wife, but in his own person; and that the ties of nature are made only for the people.

Deception, however, even when pardonable, rarely or never produces unmixed good. The mission of Zuylistein, and the fact of the Prince of Wales being prayed for in the chapel of the Princess of Orange, whilst they contributed to James's security, offended and alarmed the high Protestant party in England. This formal recognition of the legitimacy of the child amounted to a renunciation by the Prince of Orange of his wife's rights as presumptive heiress. Burnet accounts for these acknowledgments of the Prince of Wales, by saying, "the first letters gave not those grounds of suspicion that were sent to them afterwards." This flimsy pretence is exposed by the Bishop himself, in his next page:—"It was," says he, "taken ill in England that the Princess should have begun so early to pray for the pretended Prince, upon which the naming him discontinued. But this was so highly resented by the Court of England, that the Prince, fearing it might precipitate a rupture, ordered him to be again named in the

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prayers.[a]" James wrote to his daughter, demanding the reason. She assured him, in answer, that the omission proceeded only from forgetfulness, and not from her orders. The King was not deceived by this shallow pretence: he, however, imputed blame only to her husband.[b]

There is nothing inconsistent in William's ordering the Prince of Wales, real or pretended, to be named or not named "in the prayers," as best suited his designs; but it is strange that a learned and pious Bishop, and a Princess, less learned, but not less orthodox and sincere, should have seen no offence to the church tenet of the efficacy of prayer in treating the practice as a mere court ceremony, and no scandal to the Church liturgy in making it the instrument of a court intrigue.[c]

The Prince of Orange now (June, 1688), applied his whole mind to his intended expedition. Zuylistein, according to Burnet, had now "brought him such positive advices, and such an assurance of the invitation he had desired, that he was fully fixed in his purpose." This is another instance of the Bishop's negligence or imperfect information. The invitation reached the Prince a month before the return of Zuylistein. It is dated the 30th of June, and appears to have been immediately forwarded by Sidney with a letter of the same date. Zuylistein did not leave England till the beginning of August, when Sidney accompanied him to the Hague.

The Prince invited over.

The memorable invitation to the Prince of Orange bore but seven signatures,—those of Lords Shrewsbury, Devonshire, Danby, and Lumley; Compton, Bishop of London, Admiral Russell, and Colonel Sidney, men who deserved well of their country, but who wanted grandeur of achievement and stature of mind to figure as personages truly historic, and whose names have failed to become classic among the destroyers of tyrants or liberators

[a] Bur. vol. iii. p. 260. Oxf. ed.
[b] D'Adda, 30th July, 1688.
[c] MS. Mem. of King James, cited in Life, &c., vol. ii. p. 161.

of nations. It is a remarkable fact that not one great principle or generous inspiration escapes them in that document. Their invitation is a cold, creeping, irresolute address.[a] Sidney, in his letter of the same date, enclosing or accompanying it, speaks doubtfully of the issue, and even of the Prince's accepting the invitation:—"*If*," says he, "you go on with this undertaking, I think I shall not do amiss to put you in mind of one man that I believe will be very useful to you; it is the Marshall Schomberg. If you could borrow him awhile, it would be of great advantage to this affair." So far was he from that resolved and reckless daring which stakes life upon success, and thus tends mainly to produce it, that he requests the Prince to burn his letter, and have the invitation (also in his handwriting) copied, "or else," he adds, "I may suffer for it seven years hence." The man who, conspiring against a tyrant, guarded with so much foresight against contingencies of personal danger so remote, was unfit for his mission. "You will," he concludes, "wonder, I believe, not to see the number $\overset{23}{\underset{Nottingham}{}}$ among the other figures (signatures): he was gone very far, but now his heart fails him, and he will go no further. He saith, 'tis scruples of conscience, but we all think 'tis another passion."

Comparative principles of the King and the Revolutionists.

Viewing the Revolution of 1688 at this distance of time, and with the lights of the present day, it is impossible to deny James a certain superiority in the comparison of abstract principles. His standard bore the nobler inscription. He proclaimed religious liberty impartial and complete, and had he not sought to establish it by his own lawless will,—had his proceedings been but worthy of his cause,—posterity might regard him not as a tyrant justly uncrowned, but as a beneficent prince who became the victim of an intolerant faction, an overweening hierarchy, and a besotted multitude.

James, it will be said, only wore the mask of liberality in order to destroy protestantism and enthrone popery in its ancient and

[a] It will be found in the Appendix.

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exclusive domination. To suppose him sincere in all that he professed would be credulity, not charity or candour. He doubtless had at heart the establishment of the Catholic religion, with that of absolute power. But did he, directly in the teeth of his reiterated professions, from his address when Duke of York to the magistrates of Amsterdam in 1679, to the second declaration of indulgence in 1688, contemplate the extirpation of protestantism by fraud and force? A sincere and sanguine religionist, may he not have been under the delusion, that what he believed to be truth, above all, sacred truth, must triumph over error by argument and persuasion, if but allowed to take the field on equal terms. The philosophic observer, weighing the influence of passion, prejudice, and a social system, vicious to the core, would have less confidence. His calculations would, perhaps, incline the other way. But James was no philosopher. The question is one which each student of human nature and of James's reign and character will decide for himself.

Let it, however, be assumed for a moment, and for the argument, that James II. cherished in secret the treacherous after-thought of proscribing protestantism and re-establishing popery; still religious liberty was not the less beneficent and sacred because it came from him. The Christian dispensation was not less divine because it came from Galilee. It is strange that at the threshold of the eighteenth century, not one of the whigs of the Revolution, those boasted champions of freedom and protestantism, appears to have been on a level with the true principle of either. As moralists and politicians they should have known, that the motive could not vitiate the right or materially change its operation; that liberty is a weapon, which, employed for his purposes by a tyrant, would recoil upon himself; that it was a solecism to suppose the unchaining of religious conscience a way to establish religious slavery. As Englishmen they should have remembered, that if popery was in possession of the throne, protestantism had on its side the great mass of the nation, and was therefore unconquerable. But the real secret, if it be any longer a secret, is, that the whigs of 1688

had no notion of freedom beyond their sect or party; that with liberty on their lips, monopoly and persecution were in their hearts. One man only appears to have been sufficiently in advance of the whigs and of his generation, to reach just views of religious liberty. It was William Penn. "Penn," says Bishop Burnet, "and the tools employed by him, had still some hopes of carrying a parliament to agree with the King;" in other words, Penn had still hopes of establishing liberty of conscience on the basis of the constitution. The Prince of Orange may be coupled with the illustrious quaker, and the association does him honour. William was on a level with the principle of religious freedom, but was restrained by ambition from espousing it before, and by a bigoted parliament from establishing it after he became king.

Lord Halifax, it has been observed, was "backward," and Lord Nottingham's "heart failed him." The secret of the expedition was not communicated to the former; it was confided to the latter. An accomplice in conspiracy who proves recreant, is the most dangerous of all enemies;—such was the situation of Nottingham. The fortunes of William and James, and the lives of those who signed the invitation were in his hands. It was proposed in conclave, by one of the seven subscribers of the invitation, to secure his silence by assassinating him.[a] The proposition was rejected, on the ground that the same want of nerve which prevented Nottingham's joining would also prevent his disclosing the secret of the enterprise.

Letters to the Prince from England.

Zuylistein returned to the Hague, accompanied by Sidney, in the beginning of August. He was charged with several letters, containing offers of service to the Prince from his friends in England.[b] There is, in the tone of these letters, something too like that of vassals transferring their service from one absolute lord of their lives and fortunes to another. Religion is often mentioned; liberty and country rarely or never. Burnet and Kennet, in their respective histories, name several persons of distinction

[a] Note of Lord Dartmouth in Bur. v. iii. p. 279.—and Halifax MS.

[b] Dal. App. p. 22. et seq.

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and influence, who pledged themselves to join William on his landing. But the only sure authority in print is the conclusive one, so far as it goes, to be found in Dalrymple's appendix.[a]

Admiral Herbert, writing on the 24th of May, in answer to an invitation from the Prince, conveyed through Russell, begins his letter,—"It is from your Highness's great generosity that I must hope for pardon, for presuming to write in so unpolished a style, which will not furnish me with words suitable to the sense I have of your Highness's goodness to me in the midst of my misfortunes." He concludes with the words,—"I have a life entirely at your devotion, and shall think every hour of it lost that is not employed in your Highness's service." The misfortunes of this patriot consisted in his being dismissed from places at court, which he held at the King's pleasure, upon his refusal to support the King's government. There are two letters from the brothers Clarendon and Rochester, uncles of the Princess of Orange: the former apprehends the possibility of his not being in favour with the Prince; the latter laments having incurred the Prince's displeasure. Halifax, so late as the 25th of July, suggests to the Prince slow counsels, in a spirit of vain ingenuity and irrelevant dissertation, curious only from his unsuspecting ignorance of the progress already made towards the expedition both in England and Holland. Nottingham writes by Zuylistein to the Prince, on the 27th of July, nearly a month after the signature of the invitation, in which he had refused to join. His letter is short, but not unimportant; and tends to show, that his retreat was the effect rather of his principles than his fears. "The birth of a Prince of Wales," says he, "and the designs of a further prosecution of the bishops, and of new-modelling the army, and calling of a parliament, are matters that afford various reflections. But I cannot apprehend from them such ill consequences to our religion, or the just interests of your Highness, that a little time will not effectually remedy." From this sentence, and more especially

[a] Letters addressed to the Prince of Orange. Dal. App. part ii.

from the significant limitation of the Prince's interests conveyed in the epithet "just," it may be conjectured, that Nottingham withdrew from the association, when he perceived that it threatened the possession of the crown by James, and the succession to it by his infant son.

The Bishop of London writing by Zuylistein, merely says, that he had communicated to the imprisoned bishops the expression of the Prince's concern; and assures the Prince on their part, of their being "so well satisfied of their cause, that they will lay down their lives before they will in the least depart from it." This letter differs in its general tone from that which he had written by Dyckvelt, only in his no longer making a reservation of his allegiance where he devotes himself to the service of the Prince of Orange.

Lord Churchill's letter of the 4th of August to the Prince is well known. Dalrymple, with a curious obliquity of perception, calls it "spirited;" and others have as curiously cited it in his favour. "Mr. Sidney," he writes, "will let you know how I intend to behave myself. I think it is what I owe to God and my country: my honour I take leave to put into your Royal Highness's hands, in which I think it safe. If you think there is any thing else that I ought to do, you have but to command me." This letter, without any other testimony, would prove, that he was in the confidence of the projected invasion. No zeal, pretended or real, for God or his country, can cover the infamy of continuing to command the troops, betray the confidence, and abuse the kindness of King James, for several months after he had deposited his obedience, and what he called his honour, with James's enemy.

The part acted by Sunderland at this crisis, is an historical enigma, of which there is no clear solution. His unprincipled versatility, and incessantly shifting intrigues, negative any systematic or steady purpose, beyond that of keeping his place and supplying his prodigalities. Bishop Burnet asserts, it has been already observed, that "the Prince did say very positively he was in no sort of correspondence with Sunderland;" and "his

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(Sunderland's) counsels then lay another way." But there is in Dalrymple's Appendix, what that writer calls "a cant letter to the Prince, apparently in Russell's hand," which contains the following passage:—"Since I came to England, Mr. Roberts is grown so warm, that I can hardly prevail on him to stay for his being turned out. He is now resolved not to talk of the test and penal laws, nor indeed any thing they would have him do. I believe he is at this time so ill at court that his reign there will hardly last a month. He has desired me to assure your Highness of his utmost service. When M. Dyckvelt went away, he writ to you, but you were pleased never to take any notice of it: if you think it convenient, a letter to him of your good opinion relating to himself would not be amiss, but I submit to your better judgment." Many circumstances, such as his reign at court, its precariousness, the letter to the Prince by Dyckvelt[a], tend to identify Sunderland with "Mr. Roberts." It would thus appear, that he was prostrating himself at the feet of the Prince of Orange, while "his counsels looked another way;" that is, while he was endeavouring to bring James to more moderate measures through the influence of the Queen.

Two other military officers, of high rank in the army, engaged themselves, like Lord Churchill, to the Prince of Orange. These were, Kirk, noted for his atrocities as the military colleague of Jeffreys in their joint campaign in the West, and Trelawney, who brought his brother, the Bishop of Bristol, over to the same side. Lord Mordaunt, better known as Earl of Peterborough, could hardly have failed to be engaged in an enterprise which he was the first to propose, and undertook to bring the city of London to support the Prince.[b] Lords Macclesfield and Wharton joined the Prince of Orange at the Hague; the one from Germany, the other from England. Lords Winchester, Danby, and Halifax are stated to have sent, the first his two sons, the two latter their respective heirs, to the Hague, as hostages for their joining the Prince of

[a] In Dal. App. It contained only a few words of mere compliment. [b] Kennet.

Orange.[a] But the son of Lord Halifax could not be a hostage for his father, who was not himself engaged in the enterprise.[b] The two sons of the Marquis of Winchester[c], and the son of Lord Danby, went over to the Hague in the beginning of April[d], before either the Prince of Orange or his friends in England were yet pledged to the undertaking. The Duke of Norfolk, Lords Dorset, Delamere, and Willoughby, Sir Rowland Gwyn, and Mr. Powle, are also named among those who undertook to join the Prince.[e] The secret of his expedition is said to have been known and kept by more than two hundred persons in Holland and England.[f]

It is wonderful that men adopting the perilous resource of inviting a foreign prince for the preservation of their liberties made no previous stipulations with him. Their confidence in the Prince of Orange cannot excuse their placing themselves and their country completely at his discretion. If he abstained from abusing his conquest, and accepted fetters when he might have imposed them, it is to be ascribed only to his moderation or his policy. The invitation implicitly supplicates him to come over with an armed force, and points out the advantages of the conjuncture. Those who signed it seem to have thought that they were receiving all and giving nothing. There are to be found, it is true, among the political tracts of that day, two pieces: one professing to be "A Memorial of the Protestants of the Church of England to the Prince and Princess of Orange;" the other, "A Memorial of the English Protestants to the Prince and Princess of Orange, concerning their Grievances and the Birth of the pretended Prince of Wales." The former, after setting forth very briefly the grievances to be redressed, recapitulates them as follows:—"They most humbly implore the protection of your Royal Highnesses, as to the suspending of, and the encroachments made upon, the laws made for the maintenance of the Protestant religion, and our civil and fundamental privileges; and that your

[a] Kennet. [b] Letters of Halifax to the P. of Orange. Dal. App. Reresby. Mem.
[c] Dal. App. p. 216. [d] Ibid. p. 217, &c.
[e] Echard. [f] Volt. Siècle de Louis XIV.

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Royal Highnesses would be pleased to insist that the free Parliament of England, according to law, may be restored; the laws against Papists, priests, papal jurisdiction, &c., may be put in execution; the suspending and dispensing power declared null and void; the rights and privileges of the city of London; the free choice of their magistrates, and the liberties of that as well as of other corporations restored; and all things returned to their ancient channel."

The second memorial is a voluminous pleading, in which irrelevant charges and slanderous misrepresentations against James II. are piled up with the undiscerning zeal and dishonest arts of vulgar advocacy and religious hatred. The imposition of a spurious heir, untouched in the former piece, is treated elaborately in the latter. But both memorials are unsigned, undated; and, it should be observed, as most material, unnoticed by those to whom they are addressed. It may be said that the Prince's Declaration, issued from the Hague on the eve of his expedition, pledged him specifically and in detail to maintain the laws and liberties of the nation. But it was not issued in pursuance of any mutual compact. It was, in fact, but one of those politic manifestoes which are issued by all invaders, to mask, not disclose, their purposes; and the Prince's Dutch confidants, not his English friends, had the greater share in preparing it. If in this instance the promises held forth were somewhat better kept, the merit belongs to the Prince of Orange.

Armament of the Prince of Orange.

The state of continental affairs favoured his designs. From the commencement of the year, war was momentarily expected. The confederates of Augsburg waited only the conclusion of peace between the Turks and the Emperor to attack Louis XIV., who, on his side, wanted but a plausible pretence to anticipate them.[a] Nothing is too frivolous a cause of war between nations, when their sovereigns are to be gratified in some passion or caprice. Two pretexts soon offered themselves to Louis. The Elector

[a] Œuv. de Louis XIV. vol. iv. 247, 248.

Palatine having died, Louis claimed for the Duchess of Orleans, sister of the deceased, the allodial succession to a portion of the palatinate. The actual Elector contended that, by the laws and usages of the empire, the feudal heir was entitled to the whole inheritance. The Princess Palatine had, moreover, renounced her rights by her marriage contract.[a] But Louis sought a pretence for hostilities, not justice for his brother's wife. The second pretence was less frivolous, but equally unjust. Louis XIV. thought it for the interests of his policy and ambition to have one of his creatures made Elector of Cologne. The person upon whom he fixed his choice was the Cardinal Prince Furstenberg, already a sufferer by his protection, but only the more devoted to him, and a deadly foe to the Emperor, who had imprisoned him in the last war, as a recreant German in the pay of France.[b] The chapter had, by the constitution of the Germanic body, the right to choose the bishop, who thereby became Elector of Cologne. Ferdinand of Bavaria, the actual Prince-Bishop, was on his death-bed. The power, intrigues, and gold of Louis XIV. brought the chapter to elect Cardinal Furstenberg as coadjutor during the life, and bishop upon the death, of Prince Ferdinand. A difficulty still remained: the election was not complete without the investiture and confirmation of the new Elector by the Pope and the Emperor, both enemies of the Cardinal and of Louis. Leopold and Innocent, as unscrupulous as Louis, and, like him, actuated by the interests of their policy, alleged certain irregularities in the election of Furstenberg, and set up in opposition to him Prince Clement of Bavaria, brother of the late bishop.

The merits of this dispute and the dispute itself are here immaterial, excepting only as they threatened an European war, and thus afforded the Prince of Orange a cover for his preparations to invade England. His first step was to reconcile, by his personal mediation, differences which had grown up between North and South Holland, respecting imposts upon the conveyance of goods

[a] Volt. Siècle de Louis XIV. [b] Ibid.

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from one province to another. The new Elector of Brandenburg was his chief auxiliary in his intended enterprise. He reconciled the differences which had arisen between that prince and the Dutch East India Company. Upon the death of the old Elector, Bentinck was despatched to congratulate the successor, and concert measures with him. This prince was already pledged to aid the designs of the Prince of Orange; and now offered more than was asked by Bentinck.[a] The Elector of Saxony at the same time arrived at the Hague, and was engaged in the interests and measures of the Prince.

The possession of Cologne by the French would open to them the way to Holland. This dangerous contiguity, and some depredations committed upon Dutch commerce by the corsairs of Algiers, were made pretences for increasing to a war scale the military and naval forces of the republic. "Thus," says Burnet, "things went on in July and August, with so much secrecy and so little suspicion, that neither the Court of England nor the Court of France seemed to be alarmed at them."

This assertion of security at Paris and London is wholly unfounded. Louis XIV. suspected from the beginning of the year the real objects of the Dutch armament. James himself, so early as the 13th of May, declared his conviction that the naval preparations in Holland were designed against England[b]; but, deluded by Lord Sunderland[c], or the sharer and victim of that minister's manœuvring self-delusions, his judgment, continually veering, did not fix and settle before the middle of September.[d]

Conduct of the King.

Louis XIV., more sagacious and experienced, better served by his ambassadors and spies at the Hague, Vienna, Rome, and Madrid, and viewing the European system from the centre of movement, never for a moment doubted or mistook the real designs of the Prince of Orange, or ceased to impress his convictions upon James. In the beginning of June he proposed a junction of the

[a] Bur. vol. iii. p. 264. Oxf. ed.
[b] Bar. au Roi, 13 Mai, 1688. Fox MSS.
[c] Life of King James, vol. ii. p. 176, 177.
[d] Life of King James.

French and British fleets, to intimidate the Prince from his enterprise, or defeat him if he should attempt it. James's ministers acknowledged, with many compliments to Barillon, the beneficial effects of the junction upon the King's enemies, both abroad and at home, pending the trial of the Bishops.[a] It was, notwithstanding, eventually declined. The most earnest warnings, and even the most startling evidence, were now rejected by James, with an obstinacy which proves him the most deceived of sovereigns, or the most infatuated of men. D'Avaux acquainted Louis, who, in his turn, acquainted James, with the real object of the Prince's preparations.[b] The same intelligence was communicated to him directly from the Hague by his own envoy, D'Albyville.[c] Skelton, his ambassador at Paris, denounced to him the projected invasion, upon information still more positive. A Frenchman, named Bude de Verace, in the service of the Prince of Orange and intimate confidence of Bentinck, was dismissed under circumstances which provoked his resentment. He retired to Geneva, and wrote thence to Skelton, whom he had known at the Hague, that "he had things to communicate to the King of England, of no less concern than the crown he wore." Skelton repeatedly and vainly pressed James to permit his communicating with Verace, and ascertaining the value of his disclosures.[d] It is imputed to Sunderland that he intercepted and suppressed Skelton's letters respecting Verace[e]; but the compiler of the Life of James from his MS. Memoirs, who was far from disposed to extenuate the duplicity of the minister, speaks of their having made no impression upon the King not only as a fact, but as the cause of the last mission of Bonrepaux.

Mission of Bonrepaux.

The objects of this mission appear to be generally misstated. The first alarm, it has been said, which reached James of the designs of the Prince of Orange, was conveyed to him by Bonrepaux.[f] It has been shown that the King had many previous

[a] Bar. au Roi, 21 Juin, 1688. Fox MSS.
[b] Le Roi à Bar. Sep. 1688. Fox MSS.
[c] Life of K. James, vol. ii. p. 176.
[d] Ibid.
[e] Life of King William.
[f] Burnet and his followers.

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intimations, and that his suspicions of the Prince were wrought to strong persuasion nearly three months before the arrival of that envoy on the 25th of August. The next object of the mission, generally alleged, was to "set on foot" an alliance. This is but a repetition of the attempt made in the preceding year to establish the belief of a treaty between England and France for the extirpation of the Protestant religion throughout Europe. The real purpose for which Bonrepaux came over appears to have been simply this: Louis XIV., finding every attempt to open the eyes of the King, and particularly the recent endeavours of Skelton, unavailing, despatched a man of capacity and confidence to convince him of his danger, and offer him the aid of 30,000 Frenchmen.[a]

Bishop Kennet ventures to suppose that the offer of French troops was rejected through the agency of Divine Providence. Others have ascribed the refusal to the advice of Lord Sunderland. That minister himself claims the merit of having induced the King to decline French aid; but denies all knowledge of a treaty, and says not a word of any having been proposed. Sunderland impressed upon the King, that the presence of such a French force would reduce him to the condition of a mere viceroy of Louis, and render him odious to his subjects. Nothing but a sense of the extremity of his danger could resist this view of the consequences in the mind even of James, debased as he was. His danger, however, was really extreme; and the only wonder is, that, with so many warnings and indications, he did not already entertain this sense. But Lord Sunderland was assisted by skilful confederates, and James was lulled into treacherous security.

Ronquillo, the Spanish ambassador, alarmed anew by the presence of Bonrepaux, obtained a private audience of the King, deliberately assured him, whilst he knew it to be false, that the Dutch armament was not destined against him[b], and suggested

[a] Life of K. James from MS. Mem. vol. ii. p. 176.

[b] Ibid. vol. ii. p. 177.

to him, that the continued presence of a French envoy extraordinary not only gave cause of alarm to other powers, but would defeat every hope of obtaining from a parliament the repeal of the tests.[a] The Dutch ambassador, Van Citters, disclaimed, on the part of the States, any designs against the British dominions[b], and intimated that their preparations were destined against France.[c] The Prince of Orange himself gave James the same assurances of the absence of all hostile intentions.[d] Lord Sunderland, thus supported by confederate testimony, ridiculed the idea of a descent upon England[e], "and had so great an influence," says James, "over all those the King most confided in, that not one of them, except my Lord Dartmouth, seemed to give any credit to the report."[f] Bonrepaux returned to France astonished at James's disbelief of the information and rejection of the offer with which he was charged. "The court of France," says the compiler of the Life from the King's Manuscript Memoirs, "was equally astonished at his Majesty's surprising security."

His Majesty, however, did not wholly neglect the advices received by him. He instructed D'Albyville to demand an explanation from the States of Holland. "The preparations of their lordships," D'Albyville said, "by sea and land, but especially by sea, in a time of peace and so late in the year, obliged the King, as their ancient ally, to demand an explanation of their intentions, and at the same time to reinforce his own fleet, with a view to the maintenance of the peace of Christendom."[g]

Memorials of D'Avaux.

The States would have found it difficult to answer this demand, if a plausible excuse had not conveniently presented itself. The memorial of D'Albyville was dated the 5th of September. D'Avaux presented to the States a memorial, dated the 9th, in the name of his master, inferring, from several circumstances recited in detail,

[a] Caveat against the Whigs. Ralph, vol. i. p. 1007.
[b] Id. ibid. Life of K. James, &c. ubi suprà, and MS. Letters of Van Citters.
[c] Kennet. Caveat, &c. Ralph.
[d] MS. Mem. of King James, cited in Life, ubi suprà.
[e] Ibid. ubi suprà. Bar. au Roi, Sept. 18. 1688. Fox MSS.
[f] MS. Mem. of K. James. Ibid. ubi suprà.
[g] Neuville, vol. i. p. 118. and Kennet, vol. iii. p. 519. Dutch Pol. Cor. MS.

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that the Dutch naval preparations could have no other object than the invasion of England, and notifying that his Christian Majesty would regard any act of hostility against the King of England, a prince with whom he was connected by ties of amity and alliance, as an infraction of the peace and an attack upon France. A similar notice was given in the same memorial respecting Cardinal Furstenberg, Elector of Cologne. The States adroitly turned the memorial of D'Avaux against D'Albyville. They declared to him that they had armed in imitation of the King of England and other princes; that they were long satisfied of the existence of a secret treaty between the Kings of England and France, that the fact was now placed beyond doubt by the avowal of the French ambassador, and that they could not properly answer the English memorial until their ambassador in London had transmitted to them a copy of the treaty between James and Louis. James had already assured Ronquillo and the other foreign ministers at his court, that no new or secret treaty existed between himself and the King of France. The memorial of D'Avaux subjected him to the imputation of bad faith, and the odium of a French alliance. Lord Sunderland urged in council, that the French memorial was a justification of the Dutch armament; that the Protestant subjects of James would regard a French alliance as designed, not only against their liberties but their lives[a]; and that it should therefore be disclaimed. It was accordingly disavowed by the King through his ministers at the Hague, Vienna, and Madrid. Louis conveyed through Barillon his dissatisfaction at James's giving a direct disclaimer, instead of answering vaguely or equivocally. Sunderland replied, that the supposition of a league with France would revolt the nation; and Barillon writes to his master, that he found English pride hurt by James's being placed on a level with Cardinal Furstenberg.

The French memorial originated with Skelton, the British ambassador at Paris, in a conversation with Croisy, French minister

[a] Life of King James, &c., vol. ii. p. 180.

of foreign affairs. The ambassador observed to the minister, that not only were the eyes and ears of the King of England closed against the most decisive evidence of the Dutch designs, but that the Prince of Orange was informed of several matters which he had written on the subject to James, and that he suspected treachery in Lord Sunderland, to whom his despatches were addressed. They concluded that the King could be effectually served only by acting beyond the reach of Sunderland, and consequently without the King's knowledge. Skelton advised, that without consulting James, the French ambassador at the Hague should declare the intentions of the King of France in the manner above stated. A menacing notice was conveyed at the same time, and on the advice of Skelton, to Guadagnaga, the Spanish governor at Brussells. It was notified to him, that, from the close relations between Spain and Holland, the Spaniards would be held parties to any attack by the Dutch on the King of England or the Elector of Cologne, and French troops should immediately march into the Spanish Netherlands. Sunderland, who was constantly suspected and denounced by Skelton, and who hated, or, as he said despised Skelton in return, indulged his resentment, and gave weight to the disavowal of the French alliance by the recall of the ambassador who had what he called the extravagance to suggest such proceedings.[a] Skelton, on his recall, was committed to the Tower.

The haughty Louis took no serious offence at this disavowal of his ambassador's memorial by James. It is not easy to determine whether he was subdued by policy, compassion, or contempt. He declared, by way of rejoinder[b], that there was no formally signed treaty between himself and the King of England; but that the relations of friendship between them since the accession of the latter, constituted an alliance no less binding than if it were expressly stipulated; and that Skelton merited a recompence, not his disgrace.

The supposition and belief of a treaty suited too well the

[a] D'Adda, 4th Oct. 1688.

[b] Le Roi à Bar., 30. Sept. 1688. Fox MSS.

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views of the States and the Prince to be easily abandoned by them. In spite of the disavowal of James and the explanation of Louis, they repeated and reiterated its existence. It was their interest not to be convinced.

There is less excuse for the bad faith of Burnet, who was bound in every respect by more sacred obligations to the truth. With the knowledge which he must have had of the disavowal of James, the explanation of Louis, and the positive denial of any secret treaty by Lord Sunderland, he yet has had the hardihood to consign as a fact, that the French alliance was clearly proved to exist, and leaves it to be supposed that the only adverse evidence was the pretended disgrace of Skelton.

Van Citters had gone over to Holland in the summer, for the purpose, doubtless, of concerting personally with the States and the Prince, the invasion of England. William seems to have given his entire confidence only to his countrymen,—a natural sentiment in the bosom of one, who, whatever his faults, may be justly called a patriot prince;—but a serious argument against a nation's placing a foreigner at the head of its affairs,—unless the nation be so deplorably effete or debased as not to possess within itself the elements of executive government. The Dutch ambassador, on his return to London in September, assured the King, in the name of the States, that they were most anxious to preserve his friendship, and armed only as a precautionary measure of self-defence. He then remonstrated, by his own account, very resolutely against the French alliance. The King, after a moment's pause, says the ambassador, replied, that he thought it right to increase his navy, because English rebels were protected in Holland, and rumours prevailed that the Dutch naval armament was destined to attack him. He then declared, on the word of a prince, that he would maintain peace with the States, unless they were the aggressors; that Bonrepaux offered him the aid of a French fleet and army, which he declined; that nothing had passed respecting a treaty or a supply of money, but that he believed both would have been proposed if he had not declined the first proposition

of the French envoy. The last suggestion,—evidently designed to intimidate the Dutch,—proves the sincerity of his pacific declarations and his secret fears.

Louis XIV. had coupled the Cardinal Elector of Cologne with the king of England, in the memorial of D'Avaux. The Dutch ambassador again tried to pique the King's pride by observing, that the King of France placed his Majesty on a level with his creature and vassal. James replied, that he knew himself to be King of England, and would always act as such.[a] Unfortunately for himself, he did not act, and he was, perhaps, incapable of acting, up to his word. Van Citters, in pursuance of instructions from the States, again requested, in the name of his government, a copy of the treaty. The King answered by simply asking how he could furnish a copy of a treaty which never had existence.[b]

Enterprise of the Prince of Orange.

James may be hated for his tyranny, or despised for his infatuation, but he must be pitied for the duplicity with which he was abused to his destruction. Pending these assurances of pacific intention and expressions of pretended alarm by the Dutch ambassador to the King, the Prince of Orange was preparing, with the utmost anxiety and secrecy, for the invasion of England. The German princes in his interest had, early in August, already begun to levy troops for his service. He was troubled by what he calls an egregious blunder[c] of the Duke of Wurtemburg in disclosing to his council the purpose of the levies. The council, however, kept the secret. Lord Danby at the same time assured the Prince, by letter, that the armament of the King of France had reference to other objects than the affairs of Cologne, and expressed doubts whether the expedition should not be postponed to the following spring. William's agitation was extreme. His preparations, he says, were incomplete; the affair had got wind; he knew not what to resolve; his mind was tortured by uncertainty, and he had more than ever need of the Divine guidance.[d] The last expression,

[a] Van. Citt., 21st Sept. 1688. [b] Id. 1st Oct. 1688.

[c] "Une grande bévue." Guil. III. au Comte de Portland, 29. Août, 1688.

[d] "J'ai plus que jamais besoin de la direction divine, n'étant pas assez éclairé quel parti prendre." Ibid.

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addressed in a private letter to a friend, could proceed only from a sincere and profound feeling of religion. It is yet strangely out of place, in reference to a design of which the morality was more than doubtful.

The draft of a declaration to be published by the Prince in justification of his enterprise, was sent over to him by his friends in England. "Peruse," he writes to Bentinck, "and reperuse, with Fagel and Dyckvelt, the draft of my declaration. You will perceive by its conclusion, that I throw myself entirely at the mercy of a parliament. I much fear it cannot be otherwise; and yet to trust one's destiny to them is no slight hazard."[a] Here again he opens his whole mind only to his countrymen, and he reveals to them the secret, that he hated parliaments like Louis and James.

The indecision of William respecting the immediate execution or postponement of "the great affair," as he calls the invasion in his private letters, continued to the end of August. Reasons urged by Fagel at last decided him.[b] In the beginning of September he proceeded to Minden, in Westphalia, for the purpose of concerting in person his military arrangements with the Electors of Brandenburg and Saxony, the Landgrave of Hesse, the Duke of Lunenburg, and the Duke of Zell. The fear that the secret of his enterprise had escaped, haunted his imagination. The French, he supposed, were urging their warlike preparations to prevent his expedition, not, as they pretended, to attack the Emperor. James, in a letter to the Princess, had said, that he had no news to send her, but that he expected news from the Hague, in consequence of the great naval armament of the States, and the march of the French Marshal D'Humieres to the support of Cardinal Furstenberg. "The King," says William to Bentinck, "certainly named the Cardinal, by way of giving a covert hint that he knew what was designed against himself." He describes his mind as most painfully agitated from an apprehension that

[a] "Et pourtant remettre son sort à eux n'est pas peu hazarder."
[b] Guil. III. au Comte de Portland, 31. Août, 1688. Ibid.

his design might fail, with the aggravation of being engaged in a great war.[a] William III. has left the reputation of one of the most resolved, firm, steady-purposed, and phlegmatic of men. This effusion of his secret soul, in a private letter, is instructive and interesting, when compared with his life and character. It shows that minds of the utmost force may be agitated and unresolved, where the hazards are balanced, and the consequences momentous; and that the strongest mind is that which keeps the secret of its weakness from the common eye.

D'Avaux, on the 7th of September, presented to the States a second memorial, setting forth that his master was aware of certain movements and cabals on the side of the electorate of Cologne, and was resolved to defend the rights and privileges of Cardinal Furstenberg and the chapter against all interference. This was equivalent to the menace of a declaration of war. The visit of the Prince to Minden, and his conferences with the German princes, were known throughout Europe. William, in corresponding with his devoted father-in-law, either gave him indirectly to understand, or directly stated to him, that the object of the Minden conferences was to prepare for war against France on the Rhine. "I have," says James, in the last letter addressed by him to the Prince, "received yours of the 17th (new style) from the Hague, by which I find you were come back thither from a voyage you had made into Germany to speak with some of the princes there. I am sorry there is so much likelihood of war upon the Rhine, nobody wishing more the peace of Christendom than myself."[b] Barillon, at the same time, writes from London to his master, that the ministers of James thought it impossible the Prince of Orange could think of making a descent upon England, whilst war was ready to break out upon the Rhine

[a] "Certainement il veut faire réflexion sur lui, et nomme le Cardinal pour nous donner le change..... J'avoue que ceci me met dans des terribles peines et inquiétudes, craignant que notre dessein avortera, et que nous voilà engagés en une grande guerre." Id. 4 Sept. 1688.

[b] The King to the Prince of Orange, Dal. App. p. 294.

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and the Meuse. He further states that the Princess of Orange had written a letter to her father, informing him, that the Prince, her husband, went to Minden for the sole purpose of getting the princes assembled there to march their troops to the Rhine.[a] It was a common maxim of the Protestants of the age, that papists do not consider themselves bound in conscience to keep faith with heretics. Here is a Protestant princess, accounted the most religious of her time, who does not scruple to deceive a papist to the peril of his state and life, though that papist was her father! When, at a subsequent period, she ascended with a revolting show of joy the throne from which her father had just been hurled by her husband, and in her name, it was said that she acted as the mere puppet of a domestic tyrant. The same melancholy plea for outraging filial and Christian piety may, perhaps, be set up for her here.

The conduct of William is but one instance more of the morality of ambition. But a man may have the merits of a deliverer, without the virtues or the weaknesses of a hero.

The Prince of Orange, in his anxiety to keep his design secret, went to Minden without acquainting the States-General with his journey.[b] On his return to the Hague, he communicated to the deputies of foreign affairs his arrangements and his views. The deputies in their turn reported to the States their conference with the Prince. Their report bears date the 20th of September, and the design against James is not yet avowed. His Highness, the deputies say, finding that the King of France laboured to injure the commerce and detach the allies of the States, more especially their ancient and intimate ally, the King of England, thought it more than time to assume a posture of defence, and considering the difference between new and old troops in actual war, had contracted at Minden to take into the pay and service of the Republic German troops, to be furnished by princes of the

[a] Bar. au Roi, 16. Oct. 1688. Fox MSS.

[b] Lett. de Guil. III. au Comte de Portland, 4th Sept. 1688.

Empire in the following proportions: viz. the Elector of Brandenburg to furnish 5900; the Dukes of Zell and Wolfenbottell, 3951; the Landgrave of Hesse Cassel, 2400; the Duke of Wurtemburg, 1000 men. The arrangement, they add, was carried by the Prince only so far as to be still dependent on the pleasure of the States.[a]

On the 8th of October, the Prince and the States avowed to each other their designs on England. On the advice of the Prince, the Republic took into its pay and service a further force of 6000 Swedes.

The enterprise of the Prince of Orange was thus supplied and forwarded by the authorities of the Republic with surprising zeal. It is in politics, and above all in diplomacy, that language is employed to conceal, not disclose intentions. Nothing could be more superficial than to suppose, with the manifestoes of the time, that their High Mightinesses, who loved gain quite as much as liberty, and, like most other republicans, were indifferent to the liberty of every country but their own, embarked their subjects and their wealth in the enterprise against popery, slavery, and James, from affection to the Prince of Orange, the Protestant religion, or the liberties of the English people. How was the Louvestein party, comprising the best citizens of the Republic, and hating both the house of Orange and the office of Stadtholder, reconciled almost of a sudden to the magistracy and the magistrate? Bishop Burnet accounts for it by Louis's having cut off the supplies of secret service money to D'Avaux, who in consequence could no longer bribe the deputies.[b] The same slander is to be found in the spurious

[a] Secret Delib. St. Gen., 20th Sept. 1688. MS.

[b] Bishop Burnet manœuvred at the same time to engage the Duke of Hanover in the enterprise. With this view, he, "of himself," by his account, "acquainted the Duchess Sophia with the secret, and promised the settlement of the succession to the crown in her and her posterity, by the exclusion of Papists;"—thus disclosing the great secret, and a second time disposing of the succession, without consulting the Prince of Orange. This is one of the strokes of incredible presumption which have exposed Burnet to suspicion and ridicule.

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Memoirs of Madame de Maintenon. Both the right reverend historian, and the anonymous fabricator, are refuted by the correspondence of D'Avaux.[a] That ambassador ransacked the cabinets, and stole the secrets of the Prince of Orange, the States, and even his own subaltern, D'Albyville, by corrupting no higher virtue than that of domestics, confessors, adepts in forgery, and court intriguers.

Jacobite writers have ascribed the zeal and unanimity of the chief cities of Holland to the interest which they had in the fall of a King of England, who thought only of extending the trade and husbanding the wealth of his subjects, and to their hopes of benefit from the elevation of the Prince of Orange, who would govern England with the prepossessions of a Hollander. This supposition is not groundless. The Prince of Orange gave a secret intimation to the States, that they had the deepest interest in his success. D'Avaux writes to his master as a fact of which he was assured, that the Prince told the council he was invited over by great lords and bishops, who looked upon Prince George of Denmark as unequal to the crisis; and that if he did not accept the invitation, England would become a republic,—which would be the ruin of Holland.[b] But the more generous guardians of the liberty of the Republic must have favoured his enterprise from other and higher motives. His military preparations, so late as the beginning of 1687, were regarded with jealous fear by the Dutch patriots, who suspected him of designs against whatever of republican liberty survived the revival of the Stadtholderate.[c] His real design, after some time, became apparent, and all jealousy disappeared. The Louvestein party, now considering that he had no son to inherit usurped power in Holland; and concluding that the crown of

[a] Négot. du Comte D'Avaux, in print, and in Fox MSS., extracted from the Depôts des Affaires Etrangères, at Paris.

[b] Ce qui serait la ruine de ce pays-ci." D'Avaux to the King, 15th Oct. 1688. Fox MSS. corroborated by extracts from Sec. Delib. of St. Gen. MS.

[c] Bonrepaux to Seignelai, 25th Feb. 1686. Fox MSS.

England must satiate his ambition, however devouring, lent itself willingly to an enterprise which would either convert an aspiring hereditary chief of the Republic into a powerful foreign ally — or prove fatal to him.

CHAP. XIV.

COUNSELS OF THE KING AND SUNDERLAND.—OFFERS AND SUPPLIES OF LOUIS XIV.—WAR ON THE CONTINENT.—FEARS OF THE KING—HIS OVERTURES TO THE STATES GENERAL.—THE KING'S INTERVIEWS WITH THE BISHOPS.—ENQUIRY RESPECTING THE BIRTH OF THE PRINCE OF WALES.—FALL OF SUNDERLAND.—NAVAL AND MILITARY PREPARATIONS OF THE KING.

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Counsels of the King and Sunderland.

JAMES, meanwhile, would not be effectually awakened from his fatal delusion. He was acted upon by such powerful arts of intrigue and perfidy, that Barillon, who was within the circle, did not wholly escape them. Louis XIV. alone never doubted the designs of the Prince of Orange. Writing to Barillon, on the 18th and 21st of September, he expresses his astonishment at the blindness of James and his ministers. "At the court where you are," says he, "they seem asleep and spell-bound, whilst threatened at home and abroad with the greatest conspiracy ever formed."[a] Barillon, without venturing to differ with his master, says, that James and Sunderland think the invasion of England visionary, because the Prince of Orange could hope to succeed only by conducting the expedition in person; and this was impossible whilst Holland was threatened from the Meuse and the Rhine.[b] He does not, he says, dispute the matter directly with Sunderland and the King. It was become a court fashion[c] to laugh at those who entertained the idea of an invasion as possible[d], and he was himself the object of much court raillery. James, he thinks, but concealed his fears; whilst the incredulity of Lord Sunderland was not an artifice to betray, but an effect of the national presumption. It is a common opinion that Lord Sunderland

[a] Bar. Corres. Fox MSS.

[b] Bar. Corres. 3d and 16th Sept. Fox MSS.

[c] Air de la cour, &c. The MS. Mem. of the King cited in the "Life" and the letters of Barillon thus coincide.

[d] Bar. 18th Sept. Fox MSS.

made Barillon his dupe. He certainly employed the most effectual weapon against a Frenchman, whose first fear is that of raillery and ridicule.

Whilst Sunderland treated as a chimera[a] the notion of an invasion, he took or affected to take measures of defence. But if a vigorous resolution was taken one day, it was abandoned the next. It was proposed in a council of the chief Catholics, that officers of doubtful fidelity should be dismissed, and James approved it. But recollecting, or being reminded of, the conduct of the troops in Monmouth's rebellion, he changed his mind.[b] It was actually resolved, about the middle of September, that Halifax, Danby, Shrewsbury, Nottingham, and others, suspected of favouring the Prince of Orange, should be placed under arrest.[c] Two only of those named were engaged in the conspiracy; but of the wisdom of the measure generally there cannot be a doubt. So obvious was its prudence, that it was anticipated by Sidney as the certain consequence of a discovery of the Prince's preparations, and as likely to ruin his enterprise. "It is certain," says he, "that if it be made public above a fortnight before it be put in execution, all your friends will be clapped up, which will terrify others, or at least make them not know what to do, and will in all probability ruin the whole design."[d] This resolution, too, was abandoned through the advice of Sunderland; who contended, that many could not be seized, and the seizure of a few would but give an alarm.[e]

Offers and supplies of Louis XIV.

Louis XIV. persevered in offering James his counsels and his aid, and urged him to prepare for hostilities. The King, in reply, expressed his readiness to go the utmost length short of actual war with the Dutch.[f] He proposed to equip a fleet of thirty ships of war; and at the same time intimated, through Sunderland, that this increase of the naval force could not be effected without

[a] Le Roi à Bar. Fox MSS.
[b] Bar. 30 Aout. Fox MSS.
[c] Bar. au Roi, 18 Sept.
[d] Sidney to the Prince of Orange. Dal. App. p. 231.
[e] Burn. vol. iii. p. 314.
[f] Bar. au Roi, 22 Mars, 1688. Fox MSS.

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money. Barillon offered 400,000 livres[a], which sum, after many attempts by Sunderland to obtain more, was accepted. James engaged to fit out twenty men of war and eight fire-ships. The two Kings differed respecting their destination. Louis would have them sent to the Northern Seas, for the purpose of preventing a junction of the Dutch and Swedish fleets. James thought it more advisable that they should be kept in the Downs or the Channel, to attain the same end. Neither, probably, avowed his real object. The former sought to precipitate, the latter to avoid the chances of a hostile collision between the English and Dutch.[b]

Barillon hesitated whether he should insist on a money treaty, regularly signed, or trust to an unsigned memorandum, and the honour of the contracting parties. His master dispensed with a written engagement; sent bills of exchange to be employed in part payment; disclaimed all intention of engaging James in a quarrel with the Dutch or any other power; and declared, that all he requested of him was, to make such demonstrations, and use such a tone, as would tend to the preservation of peace.[c] Notwithstanding the common interests and intimate relations of the two sovereigns, each obviously practised dissimulation in his transactions with the other. "Tell your master," said James to Barillon, "that I pledge myself to every thing short of making war; perhaps I may be brought, by little and little, even to that: as soon as I have my fleet equipped at sea, they shall find me taking a higher tone, and my mediation will be more authoritative."[d] He evidently held out this lure as an artifice to expedite the payment of the whole supply. But the circumstance is more deserving of attention in another respect. If, in this and other instances, he indisputably dissembled with Louis, may not his few and subdued commendations of the French King's zeal to eradicate Protestantism in France by persecution, have proceeded from the interests of the politician, not from the sympathies of the persecutor?

[a] Bar. au Roi, 22 Mars, 1688. Fox MSS.
[b] The same to the same, 8 Avril, 1688. Ibid
[c] Le Roi à Bar. 5 Avril, 1688. Fox MSS.
[d] The same to the same, 10th April, 1688.

On the 5th of August, Louis doubted for a moment, upon what he called good information, whether the Dutch fleet would attempt any thing against England before the following year, but declares that his fleet is ready to act at the shortest notice[a]: on the 12th he repeats to James his warnings of immediate danger, and instructs Barillon to ascertain the state of the King's forces by sea and land, and the fidelity of the officers.[b] He urged strenuously, that such regiments as could be relied on should be brought over from Ireland. The prejudice in England against the Irish was still stronger than that against the French; and this measure also was over-ruled through the influence of Sunderland, Churchill, and the Duke of Grafton.[c]

War on the Continent.

The French King was now on the eve of declaring war nominally against the Emperor—in fact, against the whole confederacy of Augsburg. It is stated, that he proposed to begin by attacking Maestricht and the Low Countries,—not Philipsburgh and the Empire[d],—which would paralyse or divert the armament of the Prince of Orange. This he enjoined James to keep inviolably secret, even from his ministers. The States soon reinforced the garrison of Maestricht with 6000 men. Louis had confided the secret only to Louvois, and desired to be informed by James whether he had communicated it to any person. The latter replied, that he had told it only to Lord Sunderland; upon which the French monarch gave him up in despair, as a man so bent upon his own ruin that nothing could save him.[e]

A version somewhat different is given in the military memoirs of Louis XIV. It is there stated, that war being resolved, the ministers of Louis were divided as to the manner of opening the campaign. On the one side it was proposed to operate powerfully by sea, and march a strong force against Maestricht and the Low Countries. This would prevent the Dutch from employing their fleet and army in an expedition against England. On the other side it was urged,

[a] Le Roi à Bar. 5 Aug. 1688. Fox MSS. [b] Id. ibid.
[c] MS. Memoirs cited in Life of K. James, vol. ii. p. 187.
[d] Life of King William. Kennett. [e] Dart. Note on Burnet, 314, 315., and Dal. App.

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that the Empire should be attacked with promptitude and vigour, which would compel the Emperor, pressed on his eastern frontier by the Turks, to call the Prince of Orange to his aid.[a] The latter counsel prevailed with Louis, under the auspices of Louvois; and the Dauphin left Versailles on the 25th[b] of September, to take the command of the army, which already invested Philipsburgh.[c] This is described as the first false step in the first war which proved inglorious to Louis XIV.[d] D'Avaux writes on the subject with remarkable frankness to his master. "Never," says he, "did news give more joy to the Prince of Orange, than the intelligence of the siege of Philipsburgh, so much did he fear the march of the French troops upon Flanders or the Lower Rhine."[e] In a subsequent letter he says, the siege of Philipsburgh had raised the Dutch funds ten per cent., and the States-General had become insolent upon their good fortune.[f] Had Louis fallen promptly with his chief force upon the Spanish Netherlands and the United Provinces, this attack, it has been said, would have disconcerted the measures of the Prince of Orange.[g] The remark will probably suggest itself in reply, that the Prince with his sagacity and prudence, the States with their paramount regard to their own safety and interests, must have contemplated and provided against a contingency so obvious. It was, in point of fact, contemplated, and precautions were taken by the Prince of Orange. But he still regarded the opening of the campaign on the part of the French, by operating against the Low Countries, with the deepest anxiety. He apprehended, as the consequence, that the German Princes could not spare him their troops; that

[a] Œuvres de Louis XIV. tom. iv. p. 285.

[b] Voltaire dates his departure the 22d, and says, that when leaving the court he was addressed publicly by Louis XIV. in the following words, which, from the mouth of that proud and pampered monarch to the heir of his crown, are not destitute of grandeur and magnanimity:—"Mon fils, en vous envoyant commander mes armées, je vous donne les occasions de faire connaître votre mérite. Allez le montrer à toute l'Europe, afin que quand je viendrai à mourir on ne s'apperçoive pas que le roi soit mort."

[c] Œuvres de Louis XIV. tom. iv. p. 256. [d] Id. ibid.

[e] D'Avaux to the King, 27th Sept. 1688. Négot. du Comte D'Avaux.

[f] Id. 4th Oct. 1688. Ibid. [g] Œuvres de Louis XIV. tom. iv. p. 286. note.

Marshal D'Humières had only to march on Brussels in order to become master of the Low Countries; and that the States-General, threatened with danger so immediate and formidable, would abandon altogether the expedition to England.[a] This error of Louis, if really committed by him, was one of his most serious mistakes both in war and politics. It would seem as if his more fortunate and sagacious counsels were influenced for a moment by the evil destiny of James.

But whatever may have been the truth respecting an attack upon Maestricht, and however Louis may have expressed himself respecting James as a man doomed to destruction, he did not abandon him to his fate. He proposed to reinforce the British fleet with a French squadron of sixteen sail; and with this combined force to attack and overpower the invading Dutch fleet.[b] A treaty for the junction of the French and English fleets was signed, but with blanks left for the time and place. James, deferring still to the fears and prejudices of his subjects, and the advice of his council[c], rejected the offer of the French squadron, as he had rejected that of the French troops, but desired that it should be kept disposable at Brest. The negotiation did not escape the Dutch ambassador, Van Citters. He remonstrated with the King, and repeated his disclaimer of any hostile designs on the part of the Republic. James replied, that he had no intention to employ the French fleet, unless compelled to it by the ambassador's masters.[d] Even when the invasion was placed beyond doubt, he abstained from employing the squadron at Brest; "finding," he says, "a general aversion, not only in his council, but in all his commanders by sea and land, to the assistance proffered by France."[e] He adds, that "the Duke of Grafton, Lord Churchill, and others, had already taken their measures with the Prince of Orange, and had so great an apprehension of the

[a] Lett. de Guil. III. au Comte de Portland.
[b] Life of K. James, 186.
[c] Bar. au Roi, 16 Sept. 1688.
[d] Lett. of Van Citt.
[e] MS. Mem. of K. James, vol. ii. p. 186.

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French squadron joining, that they industriously fomented the natural aversion the English have to the French, in order to prevent it. Nay, they found fault with the King's sending for the few Irish, and so cunningly insinuated their pretended jealousies, that the council gave into it—some with a design to betray the King, others because their heads turned; so that those very men, who had advised the things which had given such offence to the Church of England, turned on the toe, and were at once for undoing all they had done, even to the liberty of conscience itself."[a] James mentions Lord Sunderland, without directly accusing him of treachery, but in such a manner as to negative that minister's assertion that the measures most obnoxious to the Church of England were adopted against his advice.[b]

Fears of the King.—His overtures to the States-General.

The incredulity of the King respecting the enterprise of the Prince of Orange wholly ceased about the middle of September.[c] He still declined the proffered aid of the French squadron, so late as the 11th of October.[d] Louis, at last, appears to give up in despair. "The refusal of my fleet," he writes to D'Avaux, "by the King of England, to please his subjects, opens the way to the Prince of Orange, and nothing now remains but to wait the event."[e] The King, however, possessed resources, and even took measures for resistance, which, employed by a man commonly resolute and capable, would have proved fatal to his enemy. But James was soon abandoned even by that spurious resolution of weak minds —his obstinacy; and when he thought the heads of his advisers turned, the only head that really turned was his own.

He made some forlorn attempts abroad to divert the storm. D'Albyville, in a formal audience, called upon the Prince of Orange to explain the motives of his warlike preparation, and to extinguish the rumours then prevalent through

[a] MS. Mem. of K. James, cited in Life, &c. vol. ii. p. 187. [b] Ibid. p. 297.
[c] Life of K. James, vol. ii. p. 177. Letters of Louis and Barillon, from 10th to 20th Sept. Fox MSS.
[d] Bar. to Louis, 11th Oct. Fox MSS. [e] Louis to D'Av. 17th Oct. Fox MSS.

Europe, that he was preparing to invade England. The Prince treated the ambassador with more than his usual indifference. His only answer was, that jealousies prevailed in all quarters.[a] A memorial was presented at the same time by D'Albyville to the States-General, solemnly disavowing, in the name of his master, any secret treaty of alliance with the King of France; and offering, on the King's part, to prove the truth of his asseveration, by taking measures, in concert with the States, to maintain the treaty of Nimeguen, the truce of twenty years, and the peace of Christendom. Similar assurances were given by his envoys to the other powers in amity with him. Louis, informed of those proceedings, wrote to Barillon:—"I find," said he, "that the ministers of the King of England at the Hague, and at Rome, propose on his part to join my enemies, if the Prince of Orange consents to desist from his enterprise. I am, notwithstanding, still ready to aid him."[b] This was neither friendship nor magnanimity. He at last became alarmed lest James, in the extremity of his danger, should join the confederates; and instructed Barillon to suggest, as from himself, an offensive and defensive treaty. The States, meanwhile, continued to insist on the existence of a French alliance, and completed the preparations of the Prince. The military part of the armament consisted of 10,000 foot and 4000 horse, the best troops of the Republic; and the Prince, acting upon the advice of Sidney, borrowed Marshal Schomberg from the Elector of Brandenburgh. Admiral Herbert, who had gone over some weeks before, was appointed to the command of the Dutch navy, with some reluctance and hesitation on the part of the States and the Prince.

The States-General had good grounds for distrusting the overtures of the King. Lord Sunderland told Barillon, that the King's sole object was delay; that he felt his affairs in the last extremity;

[a] "Il y a bien de jalousies de tous côtés." Bar. to the King, 27th Sept. 1688. Fox MSS.
[b] Le Roi à Barillon, 28 Oct. 1688. Fox MSS.

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that in eight days, perhaps, he might be driven out of England; that drowning men catch at any thing; that if the overtures made to the States had the effect of conjuring the storm, or creating division between the States and the Prince, his Christian Majesty would, doubtless, be the first to rejoice at so fortunate a result.[a] "I see," said Louis, "Sunderland will do any thing, however detrimental to his master, only to gain time." The only advantage which James derived from the memorial of D'Albyville was the equivocal or slight one of publishing it in the same Gazette which announced to the nation the undoubted intelligence of an invasion from Holland.[b]

The King's interviews with the Bishops.

The King's measures of defence may be divided into political and military. The former was an abandonment or recantation of his whole course of domestic policy to that hour. He unsaid and undid all that he had hitherto said and done, and went backwards, as he had gone forward, under the influence of Lord Sunderland.[c] That minister, denounced by his enemies, and suspected by his master, had recovered his credit by declaring himself a Catholic. The King's first step, under his guidance, was to command the attendance of the Archbishop of Canterbury, and such other prelates as were within his reach. Lord Sunderland, who wrote to them in the King's name, merely stated, that "his Majesty thought it requisite to speak to them." An interview took place. It ended only in general expressions of favour and affection on the part of the King, and of duty and loyalty on the part of the bishops.[d] One bishop (Ken) is stated to have observed, "that they might as well not have stirred a foot out of their dioceses."[e] This descent or ascent from spiritual obsequiousness to profane familiarity was a sign not to be mistaken of the decline and fall of the king.

[a] Bar. au Roi, 3 et 7 Oct. 1688. Fox MSS.

[b] Gazette, 21st Sept. 1688.

[c] MS. Mem. of King James, cited in Life, &c.

[d] Ralph, vol. i. p. 1012. The King told them he should take off the suspension of the Bishop of London. He little thought that the disobedient Bishop was at the time guilty of high treason, in signing the invitation to the Prince of Orange.

[e] Id. ibid.

Writs had been issued for the meeting of a parliament. To neutralise the bad impression produced by the "closeting," and calm the fears entertained for the Established Church, it was announced by proclamation, for the better guidance of the electors, that the elections should take place with entire freedom; that his Majesty's object was to establish liberty of conscience by act of parliament, preserve the several Acts of Uniformity, and exclude those already disqualified from the House of Commons.[a] A second proclamation made known the fact, and exposed in detail the false pretences and real purposes of the Dutch invasion, led by the Prince of Orange, whose object was absolute conquest of the kingdom.[b] "Whilst (the King said) some restless and wicked spirits, forgetting former miseries, and insensible to his reiterated mercies, would embroil the kingdom in blood and rapine, he relied upon the courage, fidelity, and allegiance of his people; and as he had formerly ventured his life for the safety and honour of the nation, so now he was resolved to live and die in the defence thereof." This obliged him, he said, contrary to his intention and inclination, to recall the writs for parliament, because he could not attend it, having to appear at the head of his army, where his presence was no less necessary.[c]

The approach of invasion thus put to flight all hope of a parliament, which, even without this incident, would probably not have been assembled.[d] On the 2d of October James issued a general pardon, from which, however, sixteen persons, voluntary exiles, or persons fled from justice in the late and present reign, were excepted[e]; and, to the great joy of the citizens, promised the restoration of the ancient charter of London.

The Bishops, as may be conceived from the sally of Bishop Ken, were piqued by the fruitless termination of their interview with the King. They had come prepared to be consulted by him as "the chief support of the English monarchy[f];" and either to

[a] Gaz. 21st Sept. 1688.
[b] Gaz. 28th Sept. 1688.
[c] Life of King James, from his MS. Mem. vol. ii. p. 184.
[d] Bar. au Roi, 2 Sept. 1688. Fox MSS.
[e] Burnet was of the number.
[f] Echard.

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sway his counsels with episcopal humility, or to produce a theatrical effect which should revive the eclat of their late martyrdom in the Tower.[a] The Archbishop of Canterbury, at their request, solicited an audience. He waited on the King for this purpose, on Sunday the 30th of September; and was told that he should be received, with the other prelates, on the following Tuesday. Their audience was postponed to Wednesday. James, meanwhile, proclaimed his general pardon, and the restoration of its charter to the city of London. The Bishops were thus foiled in their calculation of obtaining credit with the city and the public as the King's advisers in these acts of royal grace.

On Wednesday the 3d of October the Archbishop, accompanied by the Bishops of Ely, Chichester, Rochester, Bath and Wells, Peterborough, London, Winchester, and St. Asaph, waited on the King with their written advice, under ten several heads. It set forth, in substance, that he should employ in the public service those only who were legally qualified; abolish the ecclesiastical commission; restore the president and fellows of Magdalen College; set aside all licences by which Catholics taught public schools; allow the dispensing power to be debated and settled in parliament; inhibit the four foreign (Catholic) bishops calling themselves Vicars Apostolical; fill up the bishoprics and other benefices in England and Ireland, and more especially the archiepiscopal chair of York; restore the other charters, "as," says the Archbishop, "we hear God hath put into your Majesty's heart to do for the city of London, *which we intended to have made otherwise one of our principal requests;*" call a free and regular parliament for the securing the Church of England and the liberties and properties of all his subjects, in which parliament also provision should be made for a due liberty of conscience; above all, that his Majesty would allow his bishops to offer him such motives and arguments as may persuade him to renounce the communion of the Church of Rome, and return to that of the Church of Eng-

[a] Vide Sprat's account. Letter to Dorset.

land, in which he had been baptized and educated. The King might have told their Lordships, in reply to this last article, that though the fact of being baptized and educated in a religion be one of the most common motives for continuing in it, yet it is no argument for its truth, and consequently no spiritual reason for returning to it. Of two Protestant church dignitaries, the one[a], an archdeacon, states that the Archbishop endeavoured to bring back the King to the religion of his baptism and education in a private conference, by "a discourse which savoured of all the free breathings of the primitive times of Christianity; but the Romish religion had now taken too deep root in his royal breast." The other, a bishop[b], ascribes the perverseness of James, not to the deep roots of Popery, but to Divine Providence. It is a very offensive but very common, weakness in men to make Providence the partisan of their sectarian passions. This speech from a prelate transgresses the common limits of human presumption. CHAP. XIV. 1688.

The advice of the Bishops failed to effect their purpose, "of getting some credit to themselves and the church."[c] Churchmen, Dissenters, and Catholics united in denouncing the scheme of reconciliation submitted by the Archbishop. The parties thus in accord as to the fact of condemnation went upon widely different grounds. Dr. Sherlock disavowed it, as an abandonment of the ground taken by the Bishops in their petition; Johnson, in a pamphlet, reprobated it as "a mountebank remedy;" and the Catholics described it as a contrivance of the King's enemies. Johnson was a zealot, who seldom wrote the word *papist* without the epithet *bloody*. His violence was redeemed by his fearless conscience, and excused by the cruel sentence which he had suffered in the first year of this reign. If a fanatic were capable of reasoning, he might have reflected that it was the tyrant, not the Papist, who had wronged him.

James adopted many of the proposals which the Archbishop had made to him. He dissolved the ecclesiastical commission

[a] Echard. [b] Kennet. [c] Sprat's Letter.

CHAP. XIV. 1688. The resignation of Sprat proves that tribunal to have been already on the wane. He restored the charter of London by the hands of the Chancellor Jeffreys. That person, on his way to the city, was hooted by the populace; but received at Guildhall with joyous acclamation, a harangue from the Lord Mayor, and the vote of an address of thanks to the King. The other abrogated charters were restored. In short, Catholics were removed from all but military employments; and the lords-lieutenants of counties were commanded to examine and report on all abuses committed in the recent regulations of corporate bodies.[a] The Bishop of Winchester was commissioned, as visiter, "to settle the Society of Magdalen College regularly and statutably."[b] These concessions, though in accordance with the proposals of the Bishops, obtained them little credit. They gave offence by some concessions which they made in return to the King. The Archbishop of Canterbury and Bishop of Chichester joined in the consecration of Hall, as Bishop of Oxford. A new form of prayer was put forth "on his Majesty's present danger," in glowing terms of loyalty and affection to the King. "We beseech thee, oh God!" they say, "in this time of danger, save and protect our most gracious King: give thy holy angels charge over him." Two, if not three, of the Bishops who thus invoked the attendance of God's angels to save and protect him,—Compton of London, Trelawney of Bristol, and Lloyd of St. Asaph's,—were engaged to the utmost depth in the enterprise of the Prince of Orange!

The King derived still less advantage from his concessions than the Bishops from their counsels. It was supposed that his concessions were extorted from his fears, and would be revoked when he found or thought himself the stronger. Bad faith and a deceitful after-thought were suspected from his measures,—especially from that relating to Magdalen College,—and the defective and inexecutable commissions issued for restoring their charters

[a] Gazette, 11th October. [b] Ibid. 12th October.

to the corporations.[a] The pomp with which the Prince of Wales was baptized according to the rites of the Church of Rome was looked upon, says Bishop Kennet, "as a designed insult upon the Protestant religion."[b]

Enquiry respecting the birth of the Prince of Wales.

No effort at the same time was left untried to persuade the nation that the child was supposititious, and that the King and Queen conspired with the Jesuits to practise this outrageous imposture. The memorial already alluded to, published in Holland, was circulated in England. It was given out that the mother of the pretended Prince was coming over in the Dutch fleet.[c] James was reduced to the necessity of adopting a measure the most afflicting and humiliating to him as a sovereign and parent. On the 22d of October he called an extraordinary meeting of the Privy Council to verify the birth of his son. The evidence was the most complete, the most conclusive, and the most revolting that could be produced, or can be imagined. When the investigation closed, James addressed the council with mournful emotion:—"There are," says he, "none of you but will believe me who suffered so much for conscience-sake, incapable of so great a villainy to the prejudice of my own children. I thank God those that know me know well that it is my principle to do as I would be done by, for that is the law and the prophets; and I would rather die a thousand deaths than do the least wrong to any of my children." The evidence, containing details from which the imagination shrinks, was sworn, registered, and made public, "with," says Burnet, "a quite contrary effect to what the court expected from it."

Burnet has treated the pregnancy of the Queen and this investigation with a flagrant disregard of decency and truth. He suppresses and perverts, and rakes together, without proof, particulars which, if true, could be known only in the utmost familiarity

[a] Reresby's Memoirs.

[b] His baptism in the chapel of St. James's, by the name of James Francis Edward, with the Pope represented by the nuncio for his godfather, and the Queen-dowager godmother, was announced in the Gazette of the 15th of October.

[c] Kennet.

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of medical or menial attendance upon the Queen. But he had collected evidence and published pamphlets, by order, on the subject during the heat of parties, and the right reverend historian would bear out the partisan.

The Princess Anne remained unconvinced. Her conscience would be entitled to more respect if she had not studiously absented herself from the Queen's delivery and the investigation, whilst her absence was represented to be a contrivance of her father to aid the fraud. She could not conceal her dissatisfaction when a copy of the evidence was presented to her by her father's order[a], and declined receiving it, "because," she said, "no evidence could have more weight with her than the word of the King."[b] Another woman might have declined the perusal from this motive, or from the delicacies of nature and her sex; but in the coarse-minded and unnatural daughter of James, it was equivocation and hypocrisy. It should be added, that her doubts vanished for a moment into an acknowledgment of "the Prince of Wales," and a pious aspiration for his eternal felicity upon the prospect of his death. Writing to her sister on the 9th of July, 1688, she says, "The Prince of Wales has been ill three or four days, and if he has been so bad as some people say, I believe it will not be long before he is an angel in heaven."[c]

Fall of Sunderland.

Sunderland, with all the dexterity of his intrigues and versatility of his changes, fell at last. His disgrace has been ascribed to the discovery of his treachery. The charge made against him by the friends of James is, that he encouraged his trusting master in all the measures respecting religion which most shocked the interests of the clergy and the prejudices of the people; that the King, by his advice, alienated the Church of England, lay and clerical; that he advised James to retrace his steps, in order to deprive him of the support of the Nonconformists, and that he betrayed the most important and secret councils of his master to

[a] Van Citt., 9th Nov. 1688.
[b] MS. Mem. of K. James, cited in Life, &c.
[c] Birche's Notes in Dal. App.

the Prince of Orange, through his wife and uncle.[a] The minister was closeted with the Queen, in the hope of keeping his place through her influence, when a message was brought him from the King, to deliver up the seals to Lord Middleton.[b] Shrinking from the idea of court disgrace, and catching still at the shadow of court favour, he gave out that he merely retired, because it was impolitic any longer to employ Catholics, not from any distrust on the part of the King.[c] His ruin was impending over him since the trial of the Bishops.[d] The King, in an access of confidence, produced by his receiving a supply of 100,000 crowns from Barillon, told that minister that Sunderland "was afraid;" that he thwarted and offended persons the most faithful; that his services were no longer satisfactory.[e] The faithful servants who complained of Sunderland, were, doubtless, Father Petre and Lord Melfort, who succeeded him in ruling the counsels of the King. "Lord Sunderland," says Barillon, "did not open his mind to me; he merely said that his sole offence was seeing things as they are—in extremity."[f] It may be doubted or denied that Sunderland betrayed the counsels of his sovereign. He is, at least, chargeable with serving the King in such a manner as not to forfeit the favour of the Prince. But the minister who served his sovereign with this reservation was a traitor to his trust. It is avowed by himself, that "accusations of high treason, and some other reasons relating to affairs abroad, drew the King's displeasure on him[g], and that he expected no less than the loss of his head." A letter, addressed by him to King William, dated from Amsterdam, March 8. 1689, would seem to leave little doubt that he had incurred the penalty. "I thought," says he, "I had served the public so importantly in contributing what lay in me towards the advancement of your glorious undertaking, that the having been in an odious ministry ought not to have obliged me to be

[a] Life of James, and Extracts from MS. Mem.
[b] Bar. au Roi, 8 Nov. 1688. Fox MSS.
[c] Life of K. James, vol. ii. p. 303.
[d] Bar. au Roi, 8 Nov. 1688. Fox MSS.
[e] Bar. au Roi, 25 Oct. 1688. Fox MSS.
[f] Id. ibid.
[g] Letter of Lord Sunderland to a Friend.

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absent."[a] This avowal would be decisive in the case of another man; but Sunderland was one who would cover himself with fictitious infamy to serve a purpose of ambition, profit, or court favour.

Barillon, writing two days before Sunderland was dismissed, says, "the King imputed to him weakness, not treachery;" and gives it as his own opinion, that he sought only to break his fall, and secure a retreat.[b] He asked Barillon to procure him refuge in France, boasted of his fidelity to the good cause[c], duped the French ambassador into forwarding his request with a recommendation to Louis XIV.[d],—and went to Holland. His career is not without value as a moral lesson. The most unprincipled, the most adroit, and, perhaps, the most able, of that compound class of ministers, half statesman, half intriguer, he signally failed, and neither his subsequent re-ascent nor useful services have rescued his name from contempt. It is an apparent, not a real, inconsistency in his character, that he was in theory a republican.[e] Ambitious men, finding themselves unable to realise their dreams, learn to despise the community, discard their principles, abandon themselves wholly to their ambition, and swim with the stream.

Barillon calculated upon Godolphin's being the successor of Sunderland, from his possessing the secret of the French pension.[f] But James confided to him that secret from necessity, not choice, because it could not be concealed from the chief of the Treasury department,—and was particularly displeased at the moment, because Godolphin advised negotiation with the Prince of Orange.[g] It was expected, for a moment, that Rochester would be restored to his place and influence in the King's counsels.[h] His love of place, subservient high church toryism, and the vindictive pleasure of a triumph over Sunderland, rendered this supposition not

[a] Dal. App.

[b] "Se menager une chute plus douce et se préparer une retraite sûre." Bar. to the King, 25th Oct. 1688. Fox MSS.

[c] Bar. to the King, 4th Nov. 1688. Fox MSS. [d] Id. ibid.

[e] Halifax MS. [f] Bar. 8th Nov. Fox MSS. [g] Id. 22d Nov.

[h] Van Citt., 9th Nov. 1688.

improbable. But his party now either directly participated in the designs of the Prince, or despaired of the fortunes of the King. Nottingham, after a long conference by command with the King, refused to sit in the council.[a]

The Catholic interest now recovered its ascendant under the auspices of Lord Melfort and Father Petre.[b] The King's counsels were vacillating and weak; yet had his military measures been but as vigorously pursued as they were prudently designed, his military means but employed with a decision and energy proportioned to their strength, organisation, and the crisis;—had James himself possessed the qualities of an able captain, or had he had a capable lieutenant, instead of the degenerate nephew of Turenne,—the Prince of Orange would most probably have met the fate of the Duke of Monmouth.

Naval and military preparations of the King.

The King began by collecting, strengthening, and disposing his fleet. He fitted out more ships to reinforce the squadron actually at sea. It now consisted of thirty sail, chiefly third and fourth rate, as best suited to the season.[c] To these he added sixteen fireships. He, at the same time, ordered home his squadrons in the Mediterranean and the West Indies.[d] Lord Dartmouth, Sir Roger Strickland, and Sir John Bury were the three flag-officers appointed to command. Dartmouth, a Protestant, was placed over Strickland, a Catholic, to conciliate the seamen. "Men came in," says the King, "so fast, that greater despatch was made than could well have been expected."[e] The King, in spite of his religion, was popular in the navy: that service was greatly indebted to his zeal, his industry, and even his ingenuity; the modern system of communicating by signals was invented by him while Duke of York.

He applied himself with equal diligence to the army. Ten men, chosen for their known fidelity, and more valued on that

[a] Van Citt., 15th Oct. 1688. [b] Van Citt., 9th Nov. Bar. 25th Nov.
[c] MS. Mem. of James, cited in Life, vol. ii. p. 186. [d] Id. ibid.
[e] Id. ibid. p. 191.

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account than for their numerical strength, were added to every regiment, horse and foot, except the guards.[a] This favoured corps was excepted through confidence in its fidelity. Royal commissions were issued for raising several new regiments.[b] The militias of London, and of the several counties, were called out, and ordered to hold themselves in readiness to serve for the defence of the kingdom. Three battalions of infantry, a troop of guards, and two regiments of cavalry, were recalled from Scotland.[c] Three battalions of infantry, and a regiment of cavalry, were brought from Ireland. The sending for these troops, after long resistance by Lord Sunderland, was the first decisive symptom of the decline of that minister.[d] The King and his counsellors were convinced that no persons of rank and property would join the Prince of Orange.[e] This impression was natural. The nobility and powerful commoners offered their services, and accepted commissions to raise troops. Among the names most conspicuous were those of Newcastle, Derby, Lindsey, Pembroke, Westmoreland, Aylesbury, Burlington, Danby, Fauconberg, Brandon. The confidence of James, then, was natural, and doubtless had its influence in rejecting French aid. He had on foot an army of 32,000 men; which force (with the navy already mentioned) he thought sufficient to deal with the Prince of Orange, either by sea or land.[f]

Of the noblemen above named several were pledged to join the Prince of Orange. "Whitehall," says the compiler of the Life of James, "was never more crowded with people of quality, who came to give assurance of their fidelity; and none were more copious in expressions of loyalty and affection than those who were deepest engaged in the treason; and those who durst not venture their persons in the King's presence had the impu-

[a] MS. Mem.
[b] MS. Mem. cited in Life, vol. ii. p. 186.
[c] Id. ibid.
[d] Bar. au Roi, 18th Oct. 1688. Fox MSS.
[e] Bar. au Roi. Ibid.
[f] MS. Memoirs, cited in Life.

dence to send up proffers of their service. The officers of the army, themselves, followed this example; and when they kissed their majesties' hands to go down to their respective commands, those were most profuse in their proffers of shedding their blood for their service who were the first to desert to the enemy.[a]

But the first and greatest failure was on the part of James to himself. His military dispositions, as narrated by him in his manuscript memoirs[b], appear to betray no want of vigour and foresight; but when the hour of action came, he was unequal to his situation. Apprehending that the Prince of Orange had accomplices in London, that his first attempt would be by the river, and that he might possess himself of Rochester and Chatham, he concentrated the chief strength of his army round the capital. If the Prince landed in the north or the west, this disposition placed the army at a convenient if not central distance to march on the point of attack. Portsmouth, Plymouth, Hull, Chester, and Carlisle were garrisoned with horse and foot. Rochester, Gravesend, Dartmouth, and Maidstone were secured by detachments from the army which defended London. Scotland and Ireland were placed in a state of defence; the one by the Privy Council, the other by Tyrconnel. They were, moreover, not immediate objects of invasion.

The King's chief want must have been that of money, in the absence of a grant from parliament. This was supplied by the permanent revenues, his own economy, and the supplies of Louis XIV.[c] The condition of the last, tacit or express, appears to have been, that James should consent to no compromise or negotiation with the Prince of Orange. Louis, writing to Barillon on the 1st of November, expresses his satisfaction that the money had given James increased firmness; deprecates any negotiation with the Prince, as "it would lead only to the entire ruin of the royal authority;" and advises a public declaration of

[a] MS. Mem. cited in Life, 140, 141.

[b] Cited in Life of King James.

[c] Bar. to the King, 25th Oct. 1688. Fox MSS.

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war, by James, against the Prince of Orange and the States, in order to cut off all communication between them and his subjects.[a] The ambassador had already assured his master that the King would rather lose all than preserve a part of the royal power by concession to the Prince[b]; and D'Adda communicated to his court James's declaration, as a king and a gentleman, that, were the enemy at Whitehall, he would send back the first messenger who brought offers of negotiation from the Prince, hang the second, and answer with his cannon.[c] Meanwhile, the Prince of Orange and his ruin were rapidly advancing upon him.

[a] Louis to Barillon, 12th Nov. 1688. Fox MSS.
[b] Bar. to Louis, 30th Sept. 1688. Fox MSS.
[c] D'Adda, 29th Oct. 1688.

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INTRIGUES IN THE BRITISH NAVY.—THE DUTCH FLEET PUTS TO SEA.—THE PRINCE'S DECLARATIONS.—PARTING OF THE PRINCE AND THE STATES-GENERAL.—THE PRINCE WEIGHS ANCHOR, AND IS PUT BACK.—THE BISHOPS REFUSE "AN ABHORRENCE" OF THE INVASION.—THE PRINCE SAILS FOR ENGLAND.—CONDUCT OF LORD DARTMOUTH.—THE PRINCE LANDS AT TORBAY.—MEASURES OF THE KING.—PROGRESS OF THE PRINCE.—THE EXETER ASSOCIATION.—DEFECTIONS FROM THE KING.—JAMES PUTS HIMSELF AT THE HEAD OF HIS ARMY.—HIS RETREAT.—DEFECTION OF PRINCE GEORGE AND THE PRINCESS ANNE.

Intrigues in the British navy.

THE progress of war on the Continent favoured the enterprise of the Prince of Orange. Louis XIV. fell upon his enemies with his accustomed force; took Philipsburgh; almost commanded the whole Palatinate; and (if a conquest so easy and ordinary, in all differences between the Pope and France, be worth mentioning) stripped his holiness of Avignon. But the incapacity of Marshall d'Humières, and the resolution of the city of Cologne, frustrated his attempts in the only quarter which would have endangered the safety of Holland. The Prince was thus at liberty to proceed with the execution of his designs.

D'Avaux, in a despatch dated so early as the 27th of September, states, that the Prince of Orange had assurances of being joined by a part of the British fleet, from several in England,—among others, from "a Colonel Cornwall."[a] This, doubtless, was Captain Cornwall of the navy; described in the MS. Memoirs of Byng, Lord Torrington, at a much later date, as still "zealous for the King;" as acknowledging the favours of James to himself and his family; as declaring it "a villany to attempt any thing against

[a] D'Avaux to the King, 27th Sept. 1688. Fox MSS.

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him;" and as gained over with difficulty by Byng's persuasions, and the example of his particular friends. The part thus played by Cornwall, in affecting zeal for James, and pretending to be won over by Byng, when he was already a spy of the Prince, was but another instance of the mutual distrusts and grovelling duplicities which preceded and endangered the Revolution.

The Dutch fleet at sea.

Information came to the Hague, that Strickland lay in the Downs, with about eighteen or twenty men of war, in expectation of immediate reinforcements. Admiral Herbert, who commanded the Dutch fleet, received orders to put to sea, make for the Downs, and, according to Burnet, either attack Strickland, or gain over his squadron. Contrary winds soon forced Herbert back into port, and both the States and the Prince, who had little confidence in him, were satisfied with this issue. The Prince, indeed, had expressed it as his earnest and anxious wish that Herbert should avoid an engagement.[a] It is stated that the news of this event, magnified in England into a complete disabling of the Dutch fleet, had the effect of suspending for a moment the restoration of the fellows of Magdalen College, and thus disclosing the secret purpose of James to revoke all his concessions when his danger was past. This charge is made in most printed accounts of the Revolution, whether of the highest or the meanest pretension. The only averred fact in evidence is the sudden recall of the Bishop of Winchester to court, while executing his commission as visitor of the college. But, there is not a particle of proof to show the relation of cause and effect between the supposed disaster of the Dutch fleet and the summons to the bishop; the chief evidence on the whole matter is contained in a vulgar preface to a vulgar party sermon, preached on St. Bartholomew's day, 1713[b], and the supposition is incompatible with the dates.[c]

The Prince's declarations.

The Prince of Orange, upon the return of Herbert, resolved to embark the invading armament, and sail for England. A mani-

[a] Lett. de Guil. III. au Comte de Portland, 16th Sept. 1688. [b] Cited in Kennet.

[c] The letter of recall was dated the 19th, and the Dutch fleet was driven back by stress weather on the 21st of October.

festo or declaration was an indispensable preliminary. A draft, concerted by the Prince's Dutch confidants, and translated by Burnet, failed to give satisfaction. Major Wildman, a republican of the commonwealth, who had been proscribed alike by Cromwell and the Stuarts, was its chief opponent. He condemned the stress laid on the dispensing power, which had been practised by the kings of England for ages, and on the prosecution of the bishops, who had been legally tried, acquitted, and discharged: he proposed a rival manifesto written by himself, in which he carried the review of tyrannical grievance far back into the reign of Charles II.; and "laid down," says Burnet, "a scheme of the government of England." Wildman spoke and wrote with contagious fervour, and the facility of an expert demagogue. He was supported by a party among his countrymen at the Hague. His design, according to the Bishop, was "deep and spiteful: it was to sow discord between the English Church party and the Prince."

Whatever were Wildman's character and design, his views appear to have been just and comprehensive. He rested the cause upon its true basis,—a reform of the political government, not the petty warfare of parties and sects; and, according to Burnet himself, he was supported by Lords Mordaunt and Macclesfield. But the reign of Charles would have brought embarrassing reminiscences to the church party. The bishops and clergy had preached passive obedience, and had sanctified orthodox atrocities, during a pious reign, in which they enjoyed a monopoly of wealth, favour, power, and persecution. James invaded their exclusive privilege: he was guilty of the double sin of popery and toleration; and his tyranny to the nation could no longer be endured by the Church.

Lord Shrewsbury, Colonel Sidney, and Admiral Russell, objected, on the ground, that the mention of the last reign would disgust many lords and gentlemen. A schism among the Prince's English followers was prevented only by a mutual compromise.

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of omissions and alterations, and the declaration thus amended was put forth.

The manifesto of the Prince of Orange is too accessible and trite to be introduced here.[a] There were, however, two pledges, which should not be passed over; one to call a legal and free parliament for the redress of grievances, the other to refer to that parliament the question of the birth of "the pretended Prince of Wales." The Prince of Orange fulfilled the first pledge,—the most important in his declaration,—but seemed to have wholly forgotten the second. His oblivion should not be censured, or but slightly. It may be a question, whether policy warranted the useful calumny upon the birth of the Prince of Wales; but William would have acted with the weakness of James, not with his own prudence, had he wasted the time of the parliament, the nation, and his own, in a vain and mischievous endeavour to disprove a truth so conclusively established.

There was in the Prince's declaration no specific disclaimer of a design upon the crown. It would seem as if he would not condescend to deny a supposition so unjust; and the disavowal is conveyed by implication as clearly as it could have been expressed. But an express and solemn denial was given by the States. On the motion of Dyckvelt[b], they instructed their ministers at the several foreign courts to declare, "that the Prince of Orange had not the least intention to invade or conquer the kingdom of England, or remove the King from his throne, much less to attempt seizing it himself, or prejudice the lawful succession."[c] The Prince assured the Emperor, in a letter written shortly before he sailed, that whatever reports may have been or might be circulated to the contrary, he had not the least intention to injure the King, or those who had the right of succession, and still less to make any attempt upon the crown, or wish to appropriate it to himself.[d]

[a] It will be found in the Appendix.

[b] Secret Delib. of the States. MSS. 25th Oct. 1688.

[c] Neuville, cited in Ralph, Hist. of Eng.

[d] "J'ai voulu, Sire, assurer par cette lettre votre Majesté impériale, que quelques bruits que l'on puisse avoir déjà semés, et nonobstant ceux que l'on pourra faire courir à l'avenir, je

He thus pledged himself to respect the rights, not only of James, but of his son. The Emperor Leopold was a weak politician, but a bigoted devotee to the Catholic faith, and indefeasible right of kings. Barillon was apprised of William's assurance to the Emperor, respecting the rights of the son of James, and doubtless took care that the declaration of the Prince of Orange, which bastardised the child, should reach him.[a] There are no extant means of knowing how the Prince succeeded in getting over his flagrant violation of his pledged word. It may, perhaps, be said, that the Prince of Orange spoke only of those who had a right to the succession, which in his sense would not apply to the pretended Prince of Wales. But writing to the Emperor, there can be no doubt of the meaning which he would convey; and so paltry an equivocation would be more unworthy of the Prince than direct falsehood. The fact probably was, that William exhibited his designs without scruple, in whatever light he judged most politic and favourable, according to the position and ideas of those whom he addressed.

A letter was published in the Prince's name, inviting the officers and men of the British army to his standard, and calling upon them to prefer their religion to false notions of honour and fidelity. Admiral Herbert addressed a similar invitation to the British fleet. He was the most unpopular officer in the navy: his opposition to the court sprang from sordid disappointments; and the motives for desertion which he held out to the commanders and seamen were in accord with his example and his character. He told them, they were placed between infamy and ruin, if they did not come over to the Prince,—infamy if the Prince failed, ruin if he succeeded; and if they did not hasten, their brethren of the army would anticipate them.

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n'ay pas la moindre intention de faire aucun tort à sa Majesté Britannique, ni à ceux qui ont droit de prétendre à la succession de ses royaumes, et encore moins d'empiéter moi-même sur la couronne, ou de vouloir me l'approprier."—Dal. App. p. 255.

[a] Bar. to the King. Fox MSS.

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The hackneyed pen of Burnet was employed to reconcile the invasion to the subject's duty of allegiance to the sovereign. Non-resistance to the King was, he admitted, "the constant doctrine of the Church of England; but all general words, however large," he adds, "have a tacit exception, and reserve in them, if the matter require it." The extent of obedience to the supreme authority is reducible to either of two adverse principles,—that of implicit and absolute non-resistance, held by those who believe in the divine right of kings,—that of resistance, reform, and revolution, held by those who assert a mutual compact between the sovereign on the one side, and the community from which he derives his power and existence on the other. Both principles have produced generous virtues and great actions; and both parties, whilst they oppose, may respect each other. But this trimming Whig churchman profits by the one without the honesty to disavow the other; and envelopes himself in a flimsy maxim, which might be taken up by any knave or villain who violated the ordinances of God and man.

Meanwhile, news of the King's concessions and reparations came to the Hague. The Prince took no further notice of them than issuing a supplementary declaration, in which he said, in substance, that the Protestant religion and liberties of England could be secured only by himself. D'Albyville continued at his post in spite of rebuffs and scoffs on every side. "Now," said he, to Sidney, "that the King has come to a settlement with his subjects, what can you want with him in England?" Sidney replied, "We will tell him when we are there."[a]

Embarkation of the Dutch troops

The Prince of Orange had made every preparation, and taken every precaution for his momentous undertaking, when a second schism arose upon the mode of executing it. Wildman and his party would have the fleet sent out once more to clear the sea for the invading armament, by the defeat or defection of the English

[a] D'Avaux to the King, Oct. 15. 1688. Fox MSS.

navy. The extreme value of time at a season when the transports were liable to be ice-bound in port; the uncertainty of a meeting between the two fleets if either were indisposed; the impossibility of keeping troops and horses long on board, were urged on the other side, and prevailed chiefly through the firmness and authority of the Prince. The embarkation took place with remarkable secrecy and despatch. A transport fleet of 500 vessels was hired in three days; and the troops, which had been marched from the plains of Nimeguen, were put on board in the Zuyderzee. It was ten days before they could sail out of the Texel. On the 20th of October the wind changed from west to east, and orders were despatched instantly to Helvoetsluys. CHAP. XV. 1688.

Parting of the Prince and the States.

The Prince of Orange presented himself in a general assembly of the States to take his leave. He thanked them for their kindness, called God to witness that in serving them he had no end before his eyes but the good of his country, that he went to England with no other intentions than those he had set forth in his declaration, and, committing himself to Providence, earnestly recommended to their care the Princess his wife, who, he said, loved their country equally with her own. "It was," says Burnet, "a sad but a kind parting. Some of every province offered at an answer to what the Prince had said, but they all melted into tears and passion.... only the Prince himself continued firm in his gravity and phlegm." The compiler of the life of King James says, that the Prince told the States in this parting speech "he would die their servant, or live their friend;" and most of the historians and biographers of William have described him as the first to shed tears. The situation was calculated to excite emotion. The Prince of Orange must have loved a country which he had served and saved, though he hated the republic; and the speakers may well have "melted into tears and passion," though many present, and those the truest lovers of their country and its freedom, would have preferred his destruction to his return. William must have had a soul of iron if, as Burnet states, he remained alone unmoved.

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The Prince of Orange proceeded immediately from the Hague to Helvoetsluys. He was detained three days on board before he weighed anchor. The whole fleet, consisting of fifty-two men of war, twenty-five frigates, twenty-five fire ships, and near 400 transports, was afloat on the night of the 19th. Admiral Herbert commanded the first line. The Prince commanded the main force in the centre, with the colours of England at his top-mast, inscribed with "The Protestant religion and liberties of England," and underneath the motto of the house of Nassau, "*Je maintiendray.*" The Dutch vice-admiral Evertzen commanded the rear. The wind changed to the north-west next day, and the night brought with it a tremendous storm. After struggling in vain for twenty-four hours, signals were made to return to port. The greater number of vessels had got back by the 22d, but several beat the sea for some days. Yet not a single ship was lost, and only one man perished, by being blown from the shrouds. The only serious loss was that of horses, from the want of air. Bishop Burnet mentions, indeed, that many vessels were exceedingly shattered, and proves this by a fact, which militates violently against the laws both of navigation and of nature. "Some ships," he says, "were so shattered, that as soon as they came in, and all was taken out of them, they immediately sunk down." Both parties, on this occasion, claimed respectively in their favour the special agency of Divine Providence: the friends of James for the wreck of the Dutch fleet, the friends of the Prince for their escape and safety. But the above phenomenon, attested by the Bishop, appears the only manifestation of the supernatural.

The Prince weighs anchor, and encounters a storm.

This incident made no impression on the Prince of Orange and the States. They magnified the disaster in the Dutch gazettes to the loss of nine men of war, and several smaller craft foundered; a thousand horses thrown overboard, and Dr. Burnet drowned.[a] The object was to delude James into a revocation of his concessions or neglect of his defence. The King did neither. He

[a] Life of K. William. MS. Mem. of K. James, cited in Life, vol. ii. p. 205.

employed the time thus gained by him in recruiting the old and completing the new regiments, and in making further dispositions against the invader. An Englishman, named Langham, who had served in the Dutch army, was detected in London circulating the declaration of the Prince of Orange. He was arrested, and indicted for high treason. The crown lawyers did not venture to set forth the contents of so dangerous a document; and the grand jury, in default of evidence, ignored the bill. The utmost severity of the law was denounced, by proclamation, against all persons, of whatever quality or degree, who should publish, disperse, repeat, hand about, or presume to read, receive, or conceal any of the treasonable papers contrived by the Prince of Orange and his adherents to seduce the people and the army.

The Prince had proclaimed in his declaration, that he was invited over by several lords, both spiritual and temporal. This startling assertion determined the King to search the faith of the Bishops. No signal or decisive result followed; and the matter may appear of transient interest. But it is in reality one of the great lights by which to judge the spirit and genius of the Church as a formidable power existing for itself, by the side of the constitution, between the nation and the crown. There are several versions of what passed at the interviews between the Bishops and the King. The "apology," professing to emanate from the prelates themselves, coincides in almost all points with the recent version given by Archdeacon D'Oyley, in his Life of Sancroft, and both, together, constitute the most copious and authoritative source of reference.

The Bishops refuse an abhorrence of the invasion of Orange.

On the 16th of October, the King commanded the attendance of the Archbishop, informed him of the designed invasion; and said, that the Bishop sowed it to his service and their own characters to publish "an abhorrence" of the designs of the Prince of Orange. The word "abhorrence," it should be remembered, was an ordinary and technical term of episcopal compliance during the late reign. The Archbishop replied, that his brethren had for the most part retired to their respective dioceses, supposing their attendance

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at court no longer necessary. The King said there were several prelates still in London. This remark was rather evaded than met by Sancroft, with many arguments to prove so great a prince incapable of such a design, and the proposed abhorrence consequently superfluous. The Archbishop took his leave, and James proceeded no farther in the matter until the 31st of October. On that day, he sent for Compton, Bishop of London. That prelate was, or pretended to be, out of town when the summons came. He presented himself next morning. The King, having read to him the obnoxious passage, asked whether the assertion was true. Compton answered with an equivocation. "Sir," said he, "I am confident the rest of the bishops will as readily answer in the negative as myself." The prelate who gave this answer had incurred the penalties of high treason several months before, by subscribing the invitation to the Prince. The King said he believed them all innocent, but persisted in demanding the customary abhorrence. Compton obtained time for consideration, and retired. Sancroft received orders to attend the King next day (November 2.), with such of his brethren as were in or near London. At this third meeting there were present the Archbishop, and the Bishops of London, Peterborough, Rochester, Durham, Chester, and St. David's. The King produced the Prince's declaration, told the prelates there was in it a passage which concerned them, ordered the passage to be read by Lord Preston, Secretary of State, repeated his belief of their innocence, and intimated that it was incumbent on them to put forth a disavowal. The Archbishop protested his own innocence, and his conviction that all his brethren were equally guiltless. The King next questioned the Bishop of London. He replied that he had given his answer the day before. The Bishop of Durham said, "I am sure I am none of them." "Nor I," repeated the others, who had not yet spoken. The King dismissed them with an order, that they should hold a meeting of such bishops as were within reach, draw up a vindication of themselves, and bring or send it next day. A meeting accordingly

took place; and the Archbishop, with the Bishops of London, Rochester, and Peterborough, came to Whitehall on the 6th of November. Watson, of St. David's, was waiting to join them in their audience of the King. They declined his company, and obtained his exclusion. CHAP. XV. 1688.

The King, meanwhile, had manifested impatience. After mutual protestations of innocence on the one part, and confidence on the other, he asked, "But where is the paper I desired you to draw up and bring me?" The Archbishop replied, "Sir, we have brought no paper, nor, with submission, do we think it necessary or proper for us to do so. Since your Majesty is pleased to say you think us guiltless, we despise what all the world besides shall say." "But," said the King, "I expected a paper from you; I take it you promised me one." A long dialogue, or rather debate, ensued. Sancroft has recorded, with a frankness somewhat surprising, the disingenuous artifices of dispute employed on his own side, and the prompt vigour with which he and his brethren were pressed by the King.[a] The Bishops began by seeking refuge in a denial of the authenticity of the paper. "We assure your Majesty," said they, "that scarce one in five hundred believes it to be the Prince's true declaration." "Then," said the King vehemently, "that five hundred would bring in the Prince of Orange upon my throat." "God forbid," responded their lordships. The Archbishop repeated, that so great a prince would not proclaim a manifest falsehood. "What!" said the King; "he that can do as he does, think you he will stick at a lie?" "Truly, Sir," said the Bishops, "this is a business of state, which does not properly belong to us." The Archbishop followed up this sarcasm, in a tone of sneering evasion, by referring to the imprisonment of the seven Bishops, for touching on matters of state. "This, my Lord," said the King, "is a *querelle d'Allemand*, quite out of the way." Lord Preston was referred to for his recollection of what passed

[a] See D'Oyley's Life of Sancroft, vol. i. p. 362, &c.

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respecting a written paper at the last interview between the Bishops and the King. He said in substance, that the Archbishop and Bishop of London were to present such a paper to the King before its publication,—if they should agree upon it.[a] The King still pressed, and the Bishops as pertinaciously evaded or denied his reasonings and his requests. At last it was suggested by them that he might publish their verbal disavowal. "No," said the King, "if I should publish it, the people would not believe me." "Sir," replied the Bishops, "the word of a king is sacred, and it ought to be believed on its own authority. It would be presumptuous in us to pretend to strengthen it, and the people cannot but believe your Majesty in this matter." The King's answer was conclusive. "They," said he, "that could believe me guilty of a false son, what will they not believe of me?" The Prelates, in conclusion, said, that as bishops they could assist the King only with their prayers, but as peers they were ready to serve him in a parliament, or assembled in common with such peers temporal as were in London or its neighbourhood. Whether the King expressed any satisfaction with their proffered aid of prayer does not appear, but he rejected their services as peers; and the conference terminated.

Sprat, Bishop of Rochester, whose participation in the ecclesiastical commission was odious, whose retreat from it was despicable, and whose late zeal failed to redeem his character, has given an account of this transaction different from the foregoing in some important particulars. The Bishops, he says, urged that the whole matter should be referred to a free parliament; the King was incensed against them; Lord Preston reproached them; the Bishops of Chester and St. David's, who appeared to assist as mere spectators, were, at the request of the Archbishop, ordered by the King to withdraw: the Archbishop then said, "It was contrary to their peerage and profession to promote a war against a prince so nearly allied to the crown," but they would

[a] A disavowal in the handwriting of Sancroft has been found among his papers. D'Oyley's Life of Sancroft, vol. i. p. 376.

give a verbal disavowal, which might be printed: the King continued to demand it under their hands, the Bishops continued to evade or refuse, and "his Majesty left them abruptly, telling them he would trust to his army."

The allusion of the Archbishop, if he made it, to the relation of the Prince of Orange to the crown, was inconsiderate. That violence which would have been but simply criminal in another, was parricidal in a son. Sprat laboured systematically to give the church the chief credit of the Revolution, by way of meriting pardon from his brother Bishops. His discretion did not always keep pace with his zeal. Contrasting, on this subject, the conduct of the Bishops in England who refused, and those in Scotland who gave the King, if not a declaration of abhorrence, yet an imprecation of "shame" upon the Prince of Orange, he says, that "as the Bishops in England, by refusing to stand by the doctrine of passive obedience, saved episcopacy in England, so the Scottish Bishops, by adhering to that doctrine, destroyed episcopacy in Scotland." It would appear, then, that passive obedience should be adhered to or renounced, as it might happen to be adverse or favourable to the preservation of episcopacy.

The compiler of the Life from the MS. Memoirs of King James says, that his Majesty sent for the Archbishop of Canterbury, and the Bishops of London, Winchester, and two or three more, and asked them whether they had invited the Prince of Orange. The Bishops, he says, were puzzled what to answer, but said at last that they would never own any other King while his Majesty lived: the King pressed them to sign an unequivocal abhorrence of the Prince's invasion; but they demurred. It is deeply to be regretted that the compiler, or the successive compilers, of the Life did not make more frequent and copious extracts from the text of the King. There is, in the passages cited from his Memoirs, a tone of simplicity and moderation which commands implicit confidence; and they are valuable for that method and diligence which formed the better part of the character of James at the better period of his life.

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"The King," says James, in one of the passages cited by the compiler, "reminded them of their memorable petition, and of his having then told them, that, at the instigation of those who designed his and their ruin, they had raised a devil which they could not lay, and when too late would repent their error." To convince them that "some of them had done it maliciously, he assured them that he kept the paper in his pocket, and yet copies of it were spread about, which raised so furious a ferment against him." He bade them take notice how his predictions had come to pass, and urged upon them that the least duty they owed to the Church, of which they professed themselves true sons, to the service of their sovereign, and "as some amends for the harm they had done him by their petition, and their behaviour after it," was to declare their dislike of the invasion, and show their loyalty both in the pulpits and out of them. He was going, he said, to head his army against the invader, and assured them that, if it pleased God to give him success and victory over his enemies, he would keep his promise, "and though he had little reason to be satisfied with many of them, yet it should not hinder him from standing to the engagement he had always made, of supporting them in the enjoyment of their religion and *possessions*. . . . But," continues James, "notwithstanding all the King could say, and all he had done to give them satisfaction, he could not prevail with the Archbishop, nor the majority of them, to declare their dislike of the invasion, though the Bishop of Winchester, and some others, were for doing it."

Some writers have thought it strange that James should not accept the compromise of a verbal disavowal, to be published by himself. Neither the compiler nor the King himself, in the passages cited from his Memoirs, alludes to any offer of a verbal expression of dislike. The only concession mentioned as coming from the Bishops is the declaration that "they would never own any other king while his Majesty lived." This expression is ascribed only to the Archbishop, by the apologist and by Sancroft himself. That prelate kept his word. He wanted superior intelligence and force of character; but he redeemed previous

weaknesses by descending from the throne of Canterbury, with his principles and conscience, to poverty and obscurity. Supposing, however, the verbal disavowal offered, the King acted prudently in rejecting it. It would be asked by the ignorant public, and by the better informed enemies of James, why the disavowal, if authentic, was not put forth by the Bishops themselves. The answer would be, that this was another pious or Popish fraud; and a new wreath would be added to the crown of martyrdom of the Bishops, who, after having, it would be said, suffered in their persons, now suffered, with the same Christian meekness, the sacrifice of their reputations.

But why did those pious persons refuse to pronounce upon the enterprise of the Prince of Orange under their hands the sentence of condemnation which they pronounced upon it with their lips? Were it a question of purely temporal interests, and the parties laymen, an answer would readily suggest itself. It would be said, that the verbal disavowal was offered, because it might be pleaded as a merit to James if he maintained himself on the throne, and might be repudiated as a calumny if fortune declared in favour of the Prince.

There is one important point upon which the King and the Bishops are at issue. Their famous petition was circulated by copies almost immediately after its presentation to the King. The Bishops denied that the publication had emanated from them. But the King says, "he kept the paper in his pocket." The contents, then, could not have got abroad through the indiscretion or treachery of his counsellors. The testimony of the unfortunate James merits consideration, even against that of seven bishops. One observation can hardly fail to suggest itself. It would be easy to imagine motives which the prelates may have had for circulating the paper; but the King, without one conceivable motive for its circulation, had the strongest reasons for concealing and suppressing it.

It was urged by the Bishops upon the King, that the temporal peers were equally implicated with themselves, and should be

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subjected to the same scrutiny. Up to the recent publication of the "Life of King James," the Bishops only were supposed to have been put to the test. The compiler of the Life states that the King summoned, among others, Lords Halifax, Nottingham, Abingdon, Clarendon, and Burlington, and received from them a disclaimer, with all imaginable protestations of loyalty.[a] This statement is borne out by the Dutch ambasssador.[b] He names the above Lords, with the addition of Lord Weymouth, but says, that after giving the required disclaimer, they merely expressed, in general terms, their regret at seeing the King's affairs in so awkward a position. The King, according to his biographer, began with the lords temporal; according to Van Citters, with the lords spiritual.

William, meanwhile, lay at Helvoetsluys, repairing the damage suffered by his fleet. When all was repaired, his expedition was doomed to a new mishap.

For some weeks it had blown a continual gale. The Dutch men of war rode out at sea. On the 27th of October, the fleet was exposed to a storm during six hours. "There were few among us," says Burnet; "that did not conclude that the best part of the fleet, and consequently the whole design, was lost." The gallant Bishop deals imputations of cowardice upon those around him. "Wildman," he says, "plainly had a show of courage, but was at least then a coward[c];" and the contagion of his cowardice seized "many who were willing to hearken to any proposition that set danger at a distance from themselves."[d] Again, in speaking of the six hours' storm, he says,—"Many that have passed for heroes, yet showed then the agonies of fear in their looks and whole deportment: the Prince still retained his usual calmness, and the same tranquillity of spirit that I had observed in him in his happiest days." This observer of the Prince must have had, of course, an equal tranquillity of spirit. There was, however, no reason why either should have lost courage. On the 28th it calmed, and the fleet came in, with the loss only of the rudder of one third-

[a] Life of K. James, vol. ii. p. 210.
[b] MS. Letter of Van Citters, 16 Nov. 1688.
[c] Vol. iii. p. 324.
[d] Id. ibid.

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rate. It is quite clear, that if the Bishop retained his courage, he greatly magnified the danger.

The propitious, or, as it was called in England, the Protestant East wind, came at last; and, on the 1st of November (old style), the Prince of Orange sailed out, a second time, from Helvoetsluys with an evening tide. Lord Dartmouth, meanwhile, had arrived from the Nore off Harwich, full of confidence, with the English fleet. "Sir," said he, writing to the King on the 24th[a], "we are now at sea before the Dutch, with all their boasting; and I must confess I cannot see much sense in their attempt." On the 30th he writes, that he was under sail, with the ebb tide; hoped to get clear of the Galloper before night; had his scouts out; believed it impossible to miss the Dutch fleet; and hoped by the following day to give a good account of them.[b]

The Prince sails for England.

On Saturday, the 3d of November, his scouts discovered, at break of day, thirteen sail of the Dutch fleet; and he sent out three frigates, which captured only a fly-boat without her rudder, having on board four companies of English troops. He had, he said, made ready to sail with his fleet on Saturday; "*but the sea came so heavy, and the tide fell so cross,*" that he was unable to sail until the following morning. This delay of Lord Dartmouth, which he imputes to the wind and tide, but which others have variously ascribed to weakness, incapacity, the treachery of his officers, and his own, proved decisive of the fortunes of the Prince of Orange and King James. The unfortunate commander was sensible of its importance. He sums up his difficulties and disappointments by these words to the King:—"Thus I have given your Majesty a true account of all my proceedings, which are so far from the vain hopes I had, that I take myself for the most unfortunate man living; though I know your Majesty is too just to expect more than wind and weather will permit."[c] Finding, he says, that the Dutch sailed by Dover on Saturday, had a fresh gale that night, and a fair wind next day, he despairs of coming up to them before

Conduct of Lord Dartmouth.

[a] Lett. of Lord Dartm. to the King. Dal. App. [b] Id. Ibid. p. 322. [c] Id. Ibid.

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a landing was effected; declines, with the unanimous advice of the flag officers, the hazard of attacking a fleet superior to his own, with the advantage of being discharged of its convoy; "is at a stand what to do," and waits his Majesty's further pleasure.

Lord Dartmouth should not be rashly condemned. He had a reputation for professional services and personal honour; and he died, two years after, a Jacobite prisoner in the Tower. He has been both acquitted and condemned by James. The King, replying to his mournful despatch of the 5th, in a letter dated the 9th of November, says,—"I am fully satisfied that you did all that you could, and that nobody could work otherwise than you did. I am sure all knowing seamen must be of the same mind, and therefore be at ease as to yourself." But in his MS. Memoirs, referring to this period, he says,—"What reason my Lord Dartmouth had not to do the same (that is, give chase with his fleet, as his scouts did), is yet a mystery; and the King, who till then had a good opinion of him, would not censure him till he heard what he could say in his own justification. But never seeing him more, that could not be done. Only, in general, it was pretended he was not able to get about the long sandshead, as the wind and tide stood. On the other side, several of the commanders affirmed he might have done it, which if he had, and the other captains been true to him (which then it is believed they would)[a], he might have ruined their formidable fleet, or at least have hindered their landing, and broke the whole enterprise." The King, when he wrote this passage, appears to have forgotten his letter. The only material fact stated by him, is the opinion of several commanders, that the Admiral might successfully have given chase.[b] But these commanders may have

[a] Lord Dartmouth himself seems to have thought so. Writing so late as the 5th of November, he says,—"Every body, I assure you, Sir, I *think* is so exasperated at the Prince of Orange's proceedings, that I am *once more* confident they will venture their lives very heartily in your Majesty's service." It is clear, from Lord Torrington's account before cited, that Lord Dartmouth deceived either himself or the King. The words "once more" would imply that he had previously expressed distrusts.

[b] Sir W. Booth told me Lord Dartmouth certainly connived at the passing of the Dutch fleet. Halifax MS.

been mistaken, or the King misinformed. It would also scarcely be reasonable to expect justice in James's after-judgment of a failure which had its share in depriving him of three kingdoms.

Lord Dartmouth was surrounded by disaffected officers. The numerical majority of them was faithful, but the most considerable were in the interest of the Prince of Orange, and caballed on board.[a] The impossibility of his giving chase on the 3d, with a contrary wind and lee tide, is asserted by Lord Torrington, one of the disaffected officers[b], who further states, that when the fleet sailed after the Dutch next day, there was a meeting of the captains inclined to the Prince, of whom some declared, that if Lord Dartmouth attacked the Dutch, they were "bound in honour to do their duty, but eventually it was agreed to desert him."[c] The Duke of Grafton, piqued by the appointment of Lord Dartmouth in preference to himself, went down to the fleet before the Prince of Orange had yet sailed, and not only gained over several of the commanders[d], but attempted to inveigle the Admiral, under pretence of an invitation to dinner, on board the ship of Captain Hastings, in order there to seize his person, and assume the command of the fleet.[e] Lord Dartmouth was apprised of the design, declined the invitation, and did not venture to institute an enquiry. His mind and energy were further distracted between his fidelity as a subject and his conscience as a Protestant.

Lord Torrington[f] states, that in a council of war called by Lord Dartmouth off Harwich, it was proposed by the officers in the interest of the Prince, that they should stand over to the Dutch coast, and wait the coming out of the Dutch fleet, but that this proposition was over-ruled by the majority still faithful to James. It appears from a letter of Lord Dartmouth, that he was cautioned

[a] MS. Mem. of Byng, Lord Torrington, in Dal. App.
[b] Id. ibid.
[c] Ibid.
[d] MS. Mem. of K. James, cited in Life, &c. vol. ii. p. 208.
[e] MS. Mem. of Byng, Lord Torrington, ibid. MS. Mem. of K. James, Life, vol. ii. p. 208.
[f] Dal. App.

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against such a course by the King himself. "Upon the caution your Majesty has given me," says he, "I will not venture over on the coast of Holland without I see settled fair weather, which is not impossible after so much bad."[a] Judging by the uniform practice of the British navy in more recent wars of defence, the course thus advised by the one party and rejected by the other, would have been the most adverse to the former, and the wisest for the latter. The science of maritime war and seamanship has, it is true, been since advanced, but the essential want was that of naval enterprise. Had a Blake or a Ruyter been in the place of a Strickland and a Dartmouth, the Dutch fleet would not have come out of Helvoetsluys, and passed the Straits of Dover, without a battle.

Lords Lumley and Danby had undertaken to head an insurrection in favour of the Prince of Orange, if he landed in the North. The Prince accordingly steered northward the first day and night; but finding the wind veering to the west, or being informed that the King had a sufficient force to oppose him in the North, he changed his course, and sailed down mid-channel between Calais and Dover, on Saturday, the 3d of November, about noon. The spectacle was magnificent.[b] The opposite shores of France and England were lined with multitudes of spectators, who gazed with strong and opposite emotions, for several hours, upon the vast armament moving in a line twenty miles in extent, and charged with the rival fortunes of princes, religions, and nations. The fleet was in sight of the Isle of Wight by the evening. The Prince of Orange wished to land next day, which would be the anniversary of his birth and marriage; but his friends preferred landing under the auspices of Guy Fawkes and the gunpowder treason, the next day but one.[c] Torbay was judged the best harbour for so large a fleet. The pilot who steered in the van, had orders to sail short of Dartmouth during the night. He misreckoned, and

[a] Dal. App. p. 321. [b] Rapin (who was on board). [c] Burnet, vol. iii. p. 326.

found himself in the morning beyond it. The wind still blew east, and it seemed necessary to sail on to Plymouth, the Governor of which, Lord Bath, had given the Prince but vague assurances. This error of the pilot, according to Burnet, who was in the van ship of the fleet, was regarded as such a disaster, that Admiral Russell, who came on board in disorder, bade the Doctor "go to his prayers, for all was lost." But on a sudden, to the wonder of all present, it calmed a little; the wind then veered to the south; and, after four hours' sail, the whole fleet got safe into Torbay. The Prince immediately landed with Marshal Schomberg: they obtained the best horses they could in the next village, and viewed the ground. Bishop Burnet made, he says, what haste he could to join the Prince, who took him heartily by the hand, and asked him what he then thought of predestination. The fears of Admiral Russell from the error of the pilot, and the excitement with which the Prince of Orange referred to the doctrine of predestination, as if he had just escaped some extreme hazard, bear strong internal evidence of, at least, exaggeration. There is a key to the latter, which may be applied also to the former. "Dr. Burnet," says a historian of the period[a], "who understood but little of military affairs, asked the Prince of Orange which way he intended to march, and when, and desired to be employed by him in whatever service he should think fit. The Prince only asked him what he thought of predestination, and advised him, if he had a mind to be busy, to consult the Canons." If this be true, both the Prince and Russell amused themselves by playing upon the fears, ignorance, and conceit of Burnet.

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The Prince lands at Torbay.

The news of the Prince's landing was brought by an officer of the Swallow frigate, which followed in sight of the Dutch fleet. The captain (Aylmer) was one of those engaged to the Prince of Orange; but the officer by whom he sent the news rode with such expedition, that before he had given his whole account he fell exhausted at the King's feet. James was already

[a] See Cunningham's Hist. of Eng. vol. i. p. 88., and note in Bur. vol. iii. p. 328.

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aware of the passage of the Dutch fleet between Dover and Calais, and had detached troops under the command of the Duke of Berwick, to secure Portsmouth.[a] But he still hoped that, before the Prince landed, Lord Dartmouth would have fought the Dutch. The landing at Torbay without impediment excited consternation at court. The King called an extraordinary council: a proclamation was immediately issued against the Prince of Orange, denouncing him as an unchristian and unnatural invader, who came with an army of foreigners and rebels; denied the birth of the Prince of Wales, in order to usurp the crown; already commanded the attendance of the lords spiritual and temporal in the royal style; and affected to demand a free parliament, to which his own presence was the only obstacle. It concluded with repeating and confirming all the King's promises of redress, and appealing to the loyalty and zeal of his subjects.

The manifestos of the Prince of Orange could no longer be suppressed. His declaration was accordingly published by the King, with a preface, a running commentary on the text, and a subjoined reply, entitled "Animadversions." The Prince's declaration, as it came from the hands of Fagel, is described by Bishop Burnet as long and dull. In passing through the hands of the Bishop, it may, as he says, have been reduced in length, but it seems to have preserved its dulness. The King's advocates, especially the author of the "Animadversions," supposed to be Stuart, have the superiority in argument. The Prince employed pretences as well as the King. Ambition could, no more than tyranny, dispense with the mask. There was a rejoinder on the part of the Prince. To give the spirit of this paper war would demand space far exceeding its present importance. One sentence from the last pleading on behalf of William may be worth reference and remembrance. The defender of the Prince treats the imputation of his aspiring to the crown as a grievous calumny.

[a] MS. Mem. cited in Life, &c. vol. ii. 209.

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Conduct of the King.

The King appeared to rally his energies. Finding that the Prince had reached Torbay, he ordered the chief strength of the garrison of Portsmouth to proceed to Salisbury. He selected Salisbury Plain as his chief place of rendezvous. Lord Feversham commanded in chief here until the King should arrive to lead his army in person. Colonels Fenwick and Lanier occupied Marlborough and Warminster with each a body of cavalry. James's design was to march still further westward, for the purpose of preventing risings in favour of the Prince of Orange, until the troops on their way from the North; the Scotch cavalry, not yet arrived; the Irish dragoons just arrived, but so fatigued as to demand rest; and the train of artillery; should have come up.[a] Measures were taken to prevent the troops on their march from committing any wrong upon the people. It was publicly notified by beat of drum, in every town where they halted, that they were to pay for what they were supplied with; and that, upon complaint made by the civil authority, due satisfaction would be given by the commanding officer. There appears, in James's preparatory measures, no want of prudence or resolution. His confidence was such, that, upon some suggestions of negotiating with the Prince, he declared in council that he should regard as his enemy any one who advised him to treat with the invader of his kingdom.[b] He proclaimed in the Gazette a detailed statement of the invading force, both naval and military. It has been charged upon him, that he endeavoured to delude the people and himself, by representing the army of the Prince of Orange as contemptible.[c] But his representation agrees fairly enough with the vote of the States[d]; and contemptible it certainly would be, against a man of courage and capacity who possessed the throne, the capital, — the whole kingdom, except an undefended town near the coast, which might be occupied momentarily by a pirate—and a regular army of 32,000 men.

Meanwhile the progress of the Prince of Orange was far from encouraging. He landed with facility, but his march of only

[a] MS. Mem. cited in Life, &c. vol. ii. 209. [b] Kennet. [c] Rapin.
[d] Secret Delib. of the States-General, MS.

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twenty miles from Torbay to Exeter took two days of hardship and privation. Burnet, whose account of the expedition is the great staple of most succeeding narratives, says nothing of this. He seems to have thought only of the "immediate hand of Heaven," which had conducted them from Helvoetsluys to Torbay, and the Doctor doubtless enjoyed his comforts on the march. But Rapin, one of the Huguenot officers who accompanied the Prince, describes what he suffered: the drenching rain, the roads ankle deep, the officers without a change of clothes, without horses, without bread, without beds, except the bare earth in heavy November rains, the men scarcely recovered from the effects of the sea, carrying three days' provision and their tents. The Prince did all he could to supply the wants of his troops, by laying the surrounding country under contribution for horses, carriages, and provisions. It would appear that he levied very unscrupulously, and in some instances carried away what arms he could find.[a] He was coldly received. The people stood aloof, and the authorities, both temporal and spiritual, either made a show of resistance, or fled from the perilous contagion. An officer named Hicks, whom he had sent forward to Exeter, with a commission to announce his arrival, was apprehended by a warrant from the mayor. Lord Mordaunt and Doctor Burnet came next with a few troops of horse. The gates were closed against them on their approach, but opened upon Lord Mordaunt's summons on pain of death. It was an open town, and had not a single soldier. The mayor would neither acknowledge nor hold communication with the Prince of Orange. This took place on the third day after the landing. The Prince, himself, made his entry next morning, and was no better received than his representatives. The Bishop and Dean, says Burnet, "ran away;" and the clergy, according to the same historian, had been so long preaching passive obedience and non-resistance, that "they were ashamed to make so quick a turn." The bishop, Doctor Lamplugh, proceeded directly to court,

[a] Coll. Stat. Papers, &c.

to pay his duty, he said, to the King, and receive his Majesty's further commands; "which prudence or timorousness," says Kennet, "the King took for loyalty, and immediately gave him the archbishopric of York." Such is the Christian charity with which Bishops Burnet and Kennet judge the actions of their spiritual brother. But divines are the most competent to penetrate the motives of each other; and the two Bishops, in this instance, should, perhaps, be commended for their frankness, not censured for their want of charity.

On Sunday, the 11th, when the Prince had been in Exeter two days, Dr. Burnet proceeded to the cathedral, took possession of the vacant pulpit, preached a long sermon upon the last verse of the 107th Psalm, to show that the Prince had on his side "the loving-kindness of the Lord;" and proceeded to read his Highness's declaration. No sooner had he commenced it, than the canons, the choristers, and the greater part of the congregation, withdrew. The Doctor, however, proceeded, and having reached the close, cried "God save the Prince of Orange!" The major part of the congregation, says Kennet, answered "Amen, amen." He should have said, the major part of what remained. There are some discrepancies in the various accounts respecting the attendance of the canons, and the day on which the declaration was read. Rapin, who was present with the army, if not in the church, asserts the presence of the canons, and assigns the reading of the declaration to Sunday. The whole cathedral scene is suppressed, with signal bad faith, by the chief performer, Bishop Burnet. Without stopping to question the decency of such a cry by a clergyman on Sunday, from the pulpit of a cathedral, it may be observed, that the same "little Scotch parson[a]," who had already twice settled the succession to the three kingdoms, of his own head, now pronounced sentence of deposition upon King James by substituting the cry of "God save the Prince of Orange!" for that of "God save the King!" Shakspeare has represented such

[a] Lord Dartmouth, notes in Burnet already cited.

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a scene by anticipation; but he assigns the part of tempter to a Duke of Buckingham, not to a doctor of divinity, and lays the scene not in a cathedral, but in a guildhall. Ferguson, who accompanied the Prince, made a similar experiment upon the Dissenters, with still less success. He could obtain entrance into the meeting-house only by forcing the door. This disinclination of the people is generally assigned to the recollection of the cruelties which followed the invasion of Monmouth. It must have been the want of passion. Popular zeal does not reason or reflect, and the severities of one rebellion deposit the seeds of another.

The Prince of Orange rested nine days at Exeter, without being joined by one person of distinction or influence. He had given commissions to Lord Mordaunt, Sir John Guise, and Sir Robert Peyton, to raise three regiments. The levy did not proceed. He began to turn his eyes to his mast-heads. It is stated that he held a council of war, and "suffered it to be proposed to him" that he should reimbark.[a] He suspected that he was betrayed, and resolved upon his return to Holland to publish the names of those who had invited him, "as a just return for their treachery, folly, and cowardice."[b] The King, from the want of activity or means, was unable to take advantage of this desperate position of the Prince. There was, perhaps, a radical error in the King's system of defence. He should have covered the capital with one division of his force, and held another movable army in a central station, ready to march where the enemy should present himself. Such was the defence of Elizabeth against the armada. James had, it is true, neither her able and faithful servants, nor her force of character; nor, in short, any thing of hers, except her example, which was thrown away upon such a man. It is strange, if any thing were strange in his conduct, that he did not execute his own intention of pressing close on the Prince of Orange with the garrison and other troops immediately disposable, without waiting the arrival of the troops from the North. While the Prince was

[a] Rapin. [b] Lord Dartmouth, note in Bur. vol. iii. 331.; and Dal. App.

thus exposed, the King made war upon him only with extraordinary Gazettes; in one of which the invaders were stated to have robbed the Excise Office at Exeter of 300*l.*

Such men as James are made to be unfortunate. The gentlemen of the south-western counties, encouraged by the supineness of the King, and shamed by the presence and perseverance of the Prince, began to come in. Major Burrington is named as the first gentleman who joined the Prince. He was followed by Sir Edward Seymour, who had already taken a leading part in public affairs. At his suggestion, a bond of association was drawn up, to be signed by all those lords and gentlemen who came in. "Without this," he said, "the Prince's friends might drop off when they pleased. They were but as a rope of sand." The Prince notwithstanding suspected Seymour, and ordered an officer named Gibson to watch his movements.[a] The engagement thus signed, bound the parties before God to support one another in defence of the laws and liberties of England, Scotland, and Ireland, the Protestant religion, and the Prince of Orange. The Prince, rebuked them for their backwardness. "We expected," says he, "you that dwelt so near the place of our landing would have joined us sooner; not," he continues, "that we want your military assistance so much as your countenance and presence, to justify our declared pretensions, rather than to accomplish our good and gracious designs." He then proceeds in a tasteless and hollow strain, of more than regal pomp,—"Though we have brought a good fleet and army to render these kingdoms happy, by rescuing all Protestants from Popery, slavery, and arbitrary power, by restoring them to their rights and properties established by law, and by promoting of peace and trade, which is the soul of government, and the very life-blood of a nation, yet we rely more on the goodness of God and the justice of our cause than on any human force and power whatever. Yet, since God is pleased we shall make use of human means, and not expect miracles for our

[a] Hal. MS.

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preservation and happiness, let us not neglect making use of this gracious opportunity, but with prudence and courage put in execution our so honourable purposes. Therefore, gentlemen, friends, and fellow Protestants, we bid you and all your followers most heartily welcome to our court and camp. Let the whole world now judge if our pretensions are not just, generous, sincere, and above price, since we might have even a bridge of gold to return back; but it is our principle and resolution rather to die in a good cause than live in a bad one, well knowing that virtue and true honour is its own reward, and the happiness of mankind our great and only design." It should be observed here, that the Prince of Orange affects devotion to the better part of the policy of James,—peace and trade,— while his all-absorbing purpose was war; that he makes very light of both the previous "invitation" and present "countenance" of his English friends, compared with his own "pretensions," and the good and gracious obligations which he was conferring upon the three kingdoms; and that he, a distant contingent claimant, sought the crown of these three kingdoms as a return, while he professed to practise virtue as its own reward. He departed, in addressing the English, from the manly simplicity of demeanour and language with which he was accustomed to address the Hollanders. This derogates from the unostentatious and real greatness of his character. But, perhaps, he thought it prudent to rise above the Dutch republican level in addressing English royalists, of whom he aspired to become king. The English people, as if by a tacit understanding, are never named; none are recognised beneath the condition of gentlemen, unless by the feudal and contemptuous denomination of followers. It is a distinctive trait of the Revolution of 1688, that the people are not parties to it, even by name, as a decent formality.

Among the "gentlemen, friends, and fellow Protestants," who joined the Prince of Orange at Exeter, was a noted intriguer named Speke, who, in the title-page of his "Secret History of the Revolution," designates himself "the principal transactor in it." Speke had been prosecuted and fined in the late reign for a

libel, charging upon the government, or rather upon James, then Duke of York, the assassination of Lord Essex in the Tower; and, by his own account, had purchased his peace afterwards by the payment of 5000*l.* From being thus obnoxious, he was he states received into the royal favour, and offered by the King a bribe of 10,000*l.* if he introduced himself as a spy into the camp of the Prince of Orange. To win the King's confidence, he declined the reward; set out with three passes, signed by Lord Feversham, "for all hours, times, and seasons, without interruption or denial;" proceeded to Exeter; gave his passes to Bentinck, "who made no little use of them;" obtained the confidence of the Prince of Orange, to whom he was devoted "from principle;" and wrote letters, at the Prince's dictation, to the King, calculated to work upon his fears, and excite his distrust of those around him, by pretending that his chief officers but waited the opportunity to desert him. The information of the spy was as true as his motives were treacherous, and, unfortunately for James, it failed to make him suspicious. He rejected the advice of Lord Melfort and other leading Catholics, to seize the persons of those suspected, even after the news of the landing of the Prince.[a]

The defection now began in a fatal quarter—the King's army. The example was set by Lord Colchester, eldest son of Lord Rivers, and a lieutenant in Lord Dover's troop of lifeguards. He could seduce but four privates of his regiment, but was accompanied by Colonel Godfrey, Mr. How, who had gone over to Holland upon a secret mission to the Prince[b], and about sixty other horsemen. Mr. Wharton, son of Lord Wharton, Mr. Russel, brother of the sacrificed lord, and Lord Abington, joined the Prince at the same time. But the defection which most deeply wounded James was that of Lord Cornbury, son of the Earl of Clarendon, and nephew of the first Duchess of York. Lord Cornbury, finding himself the senior officer at Salisbury, in the absence of Lanier, ordered out his own regiment of dragoons, the

[a] Bar. au Roi, Dal. App.

[b] Dal. App.

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King's, and St. Alban's, the two latter commanded respectively by Lieutenant-Colonels Compton and Langston,—and marched them by Blandford and Dorchester towards Honiton. The rapidity and distance of his march excited the suspicion of his officers. His own major (Clifford) demanded a sight of his orders. He said he was commanded to attack an enemy's post; and, on arriving at Axminster, ordered out sixty dragoons, under pretence of falling upon the enemy at Honiton. Major Littleton, and other officers, now suspected and questioned him so closely, that he fled with several officers and only the sixty troopers. Lord Cornbury is said to have lost his presence of mind at the critical moment[a], and to have been a person of mean understanding.[b] The officers who suspected him must have also wanted promptitude, or they would have secured him, at such a crisis, alive or dead. Langston, who was in the secret, followed with his regiment to Honiton. He was met here by Colonel Tolmache, whom the Prince of Orange had sent forward with three regiments of foot. Langston now told the regiment, that he brought them not to fight the Dutch, but to serve the Prince. The major (Norton) and several subalterns refused obedience: they were dismounted, disarmed, plundered, and, adds the King, "with much ado got liberty to return on foot to the army." The two other regiments, which had not yet come up, seeing themselves betrayed, fled back in great disorder. Most of the troopers, even of Langston's regiment, "returned," says the King, "as they found opportunity; which showed "greater honour and fidelity in the common men than in the generality of the officers, who usually value themselves so much for these qualifications."[c] Lord Clarendon was in despair at the conduct of his son, and ran "to throw himself at the King's feet." James received him with kindness, said he pitied him, and was soon deserted by the father more meanly than by the son.

This desertion was in itself of trifling moment. Some advan-

[a] Burnet.
[b] State of Europe, cited in Ralph.
[c] Life of James, vol. ii. p. 207.

tage might even be drawn from it, as a proof of the fidelity of most of the officers, and all the privates. Yet was it, by the King's own account, almost decisive of his fate. It broke, he says, his measures, disheartened the other troops, created jealousies, made each man distrust his neighbour, sent the country gentlemen to the camp of the Prince of Orange, and neutralised the capture of Lord Lovelace.[a] This nobleman, advancing with about seventy horsemen, to join the Prince, was attacked at Cirencester by the militia, and made prisoner, with thirteen of his companions. Lord Lovelace had beaten his footman, who, in consequence, took out a warrant against him. He refused to obey it, on the ground of its being signed by a popish justice, and figured as an aggrieved peer in the declaration of the Prince of Orange. His mishap gave great satisfaction at court; its importance was exaggerated, and the counterpoise of the desertion of Lord Cornbury was the more felt. The arrival of Lord Feversham at Salisbury, and his incapacity, aggravated or completed this disaster. He took up without enquiry the first loose rumour that reached him of the desertion of three regiments to a man; imagined the Prince of Orange ready to fall upon his outposts; commanded his advanced guards to fall back upon Salisbury from Warminster and Marlborough; and ordered the infantry which were on their march towards his head quarters to halt about Windsor and Staines. These orders could not fail to dispirit the troops.

James should have been by this time with his army at its advanced posts. He was still at court, surrounded by trembling priests, and servants who were either treacherous or incapable. The news filled the court with surprise and consternation; exaggerated, as the desertion must have been, by Lord Feversham. In all the accounts antecedent to the recently published Life of King James, it is stated, that the infantry, the artillery, and the King's baggage, then on the way to Salisbury, were halted by an order from the court. It appears from the King's Manuscript

[a] Life of James, vol. ii. p. 207.

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Memoirs, cited in the Life, that the order was issued by Lord Feversham. But the consternation at court was such, that the King, who was just going to dine, called for a piece of bread and a glass of wine, and proceeded to hold a council. The result was, that the King should not risk his person with the army for two or three days.[a] Such, in substance, is the account cited by the compiler from the King's Manuscript Memoirs. That of Barillon is more particular. Father Petre, who, he says, was now consulted in every thing, opposed the King's leaving London; reminded James that his father had lost his crown and his head by not remaining in the capital; and advised him to send his son to France, not only for his safety, but to menace parties and the nation with the prospect of a long war.[b] James was, at the same time, haunted with the terrors of treachery and desertion about his person; and not without reason, if credit may be given to the compiler of the Life. Whilst, says the latter, the King was in consultation upon his desperate circumstances, Lords Sunderland, Churchill, and Godolphin were seen walking hand in hand, along the gallery, in a transport of joy.[c] He now professed to Barillon that his views were changed respecting the effect of a French alliance upon his fortunes. French aid in troops and money would, he said, now serve him in public opinion. Barillon replied that this was too vague. James said that Lord Melfort should confer with him on the extent to which he would act in concert with Louis against the States General. The French ambassador ascribes the King's slowness to the change of his ministers on the removal of Sunderland, and to his distrust of Godolphin, who advised a compromise with the Prince of Orange, and who was trusted with the secret of the French pension only because it could not be kept from one who was at the head of the treasury.[d] From a despatch, dated only three days later, it may be inferred that the hesitation of James really proceeded from his

[a] MS. Mem. cited in Life, &c. 219.
[b] Bar. au Roi, 25 Nov. 1688. Fox MSS.
[c] Life, &c. vol. ii. 218.
[d] Bar. au Roi, 22 Nov. 1688. Fox MSS.

still clinging dread of committing himself openly and implicitly with Louis XIV. Barillon informs his master that he had many conferences with the King and Lord Melfort; that the King desired a close union against the States-General and the Prince, but not reduced to writing, so as to admit of his still denying the existence of a treaty; that he was anxious not to appear the aggressor, but to let the Dutch be the first to commence hostilities; that he desired the aid of the French troops, and, above all, a junction of the French and British fleets; that he should hold himself indebted to Louis for keeping his crown; and that he should regard as a traitor any one who proposed a compromise with the Prince of Orange. This last declaration was made by him publicly at court, in the hearing of the Spanish ambassador; but Barillon adds, that circumstances might make him change his mind, and listen to the worst counsels.[a]

The King, on next day, after holding the above-mentioned council, summoned all the general officers and colonels that remained in town, and addressed to them a remarkable speech, of which the substance is recorded by himself. He told them, that he would call a parliament as soon as peace was restored; that he would secure their liberties, privileges, and religion, and grant any thing more they required of him; that, if any amongst them were not free and willing to serve him, he gave them leave to surrender their commissions, and go where they pleased; that he believed them men of too much honour to imitate Lord Cornbury; but was willing to spare them, if they desired it, the discredit of so base a desertion. "They all," continues the King, "seemed to be moved at the discourse, and vowed they would serve him to the last drop of their blood. The Duke of Grafton and my Lord Churchill were the first that made their attestation;"—"and the first," adds the compiler, "who, to their eternal infamy, broke it afterwards, as well as Kirke and Trelawney, who were no less lavish of their promises."[b]

[a] Bar. au Roi, 25 Nov. 1688. Fox MSS.

[b] Life, &c. vol. ii. 218.

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The emotion and assurances of those superior officers, and news from the head-quarters that Lord Cornbury had carried over but a small number, restored the confidence of the King. He resolved once more to place himself at the head of the army; ordered the infantry and artillery to resume their march westward; sent the infant Prince of Wales to Portsmouth, for the purpose of being conveyed to France; recommended the city to the care of the Lord Mayor; and appointed as a council the Chancellor (Jeffreys), Lord Bellasis, Lord Arundel, and Lord Godolphin, preparatory to his departure for the army next day, the 17th of November. Meanwhile Father Petre, having been removed from the King's council[a], made his escape to France in the suite of Lord Waldegrave, who went over as ambassador in the room of Skelton; and a petition to the King for a parliament was prepared by certain lords spiritual and temporal.

This petition originated with Lord Clarendon and several prelates assembled at Lambeth Palace. It proposed two measures; the calling a free parliament, and using means to prevent the effusion of Christian blood; in other words, treating with the Prince of Orange. The version of what preceded and followed the presentation of it, extracted from the King's Memoirs, differs essentially from that hitherto before the world.[b] According to the latter, the Duke of Norfolk, and Lords Halifax, Oxford, Nottingham, and Carbery, proposed, that those peers who had joined the Prince of Orange should be allowed to sit in the proposed parliament; and upon the rejection of this suggestion by a large majority withdrew their names. The King merely says, that "the night before he went down to Salisbury, they (the bishops) waited on him again with further proposals, about assembling a parliament, and treating with the Prince of Orange; and had got some temporal lords to join with them, as the Dukes of Grafton and Ormond; but the M. of Halifax, E. of Nottingham, and several others, positively refused." It was pre-

[a] Lett. of Van. Citt. 16 Nov. O. S.

[b] Derived originally from "The History of the Desertion." State Tracts, vol. i.

sented by the Archbishops of Canterbury and York, and Bishops of Rochester and Ely, on the evening of the 16th according to the King, on the morning of the 17th according to others.[a] Both the petition and the King's answer were immediately published, and debated with all the fury of religious party spirit. The petitioners were called by the King's friends traitors in disguise; the King's promise of a parliament when the Prince of Orange should have quitted the realm was spurned on the other side as a popish vow, which would not be kept with heretics.[b]

The petition contains but the two points already mentioned, and demands no further reference. But the King's answer, as given by himself[c], differs remarkably in tone and temper from the previously known version. Both are short, and should, perhaps, be placed side by side. In the one the King is made to say, "My Lords, what you ask of me I most passionately desire; and I promise you, upon the word of a King, that I will have a parliament, and such an one as you ask for, as soon as ever the Prince of Orange has quitted the realm. For how is it possible a parliament should be free in all its circumstances, as you petition for, whilst an enemy is in the kingdom, and can make a return of near one hundred voices?" Such is the answer made public at the time. The following is cited by the compiler from the King's Memoirs:—"All the King could say to it (the petition) was, that it was too late, being then ten at night, and he to set out next morning to Salisbury, and *therefore could not give them an answer in writing;* that it was not a time fit to call a parliament when armies were in the field, nor proper for him to treat with the Prince of Orange, who had invaded him without any provocation, against all the laws of God and man, and against the duty he owed to him as a nephew and son-in-law; and that it would much better become them, who were bishops of the Church of England, to perform their obligation by instructing the people in their duty to God and the King, than to be present-

[a] Life of Sancroft, vol. i. p. 384.

[b] "Some Reflections on the humble Petition," &c. "Modest Vindication," &c. Ralph, vol. i. p. 1041—1043.

[c] MS. Mem. cited in Life, &c.

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ing petitions and giving rules for government, and fomenting that rebellious temper they had already begot in the nation, instead of declaring against the invasion, which he found they could not be prevailed upon to do."

This variance may be accounted for by supposing that the King afterwards found it expedient to give "an answer in writing." From such a diplomatic piece as the latter, nothing, not even the purpose of evasion, can be distinctly inferred. The verbal answer, on the other hand, is conclusive of his thoughts and temper. The stern despotism of his rebuke proves that his confidence was restored, and that he would never call any parliament but such as he could mould to his purposes. The extent of those purposes is another question. But granting him the benefit of his own declarations, that he designed not the restoration of the Church of Rome to its ancient and exclusive sway, but the universal emancipation of religious conscience, it is clear that, even in conferring liberty, he would still be a tyrant.

The King left London, accompanied by Barillon, on the 17th, and reached the head-quarters of his army, at Salisbury, on the 19th of November. He took up his residence in the Bishop's palace. As a measure of conciliation, he brought with him Mr. Chetwood, a Protestant chaplain. Chetwood appears to have been a man of sense, temper, firmness, and spirit. He found the King's priests in possession of the Bishop's chapel, and had the courage to request their removal. The King complied without apparent reluctance or displeasure; and made the chaplain soon after Bishop of Bristol.[a]

It is stated by most historians of the Revolution, that the officers "devoted to the King[b]" waited upon him on the evening of his arrival, to express their abhorrence of the treachery of Lord Cornbury. This incident is not mentioned by James,—at least, not cited by the compiler, who draws freely, at this period, upon the manuscript Memoirs.

[a] Chetwood had the rare moderation to decline a mitre.

[b] Rapin.

It was now judged too late to execute the first intention of pushing forward strong detachments of cavalry, in order to intimidate the country gentlemen, and enclose the Prince of Orange in the peninsula between the Bristol and English Channels. The Prince wa advanced to Axminster. A small party of the Prince's cavalry en countered, and, according to Burnet, and all those who have followe him, routed, double the number of the King's troops at Wincantor The commanding officer of the King's party, on the other hanc claims a decided success in an official account addressed to Lor Churchill.[a] This paltry skirmish would not deserve mention i the campaign were not so utterly inglorious. The artillery, a par of the infantry, and the Scotch and Irish dragoons, were not ye come up. Such was the state in which the King found his army and the enemy. To encourage his troops, he announced that h should visit next morning his advanced post at Warminster. I was commanded in chief by Kirke, who had under him Trelawne and Maine. On the preceding night he was seized with a bleedin at the nose, which confined him for three days. This incident ha derived importance from its effects on the fortunes of the King and its involving the reputation of Lord Churchill, and the memor of the Duke of Marlborough. The testimony most deserving c respect is assuredly that of the King. He begins by saying tha he was not naturally subject to bleeding at the nose, and that i happened in this instance to him "very providentially." Anxiet of mind and fatigue of body would sufficiently account for thi unusual bleeding to a man of stronger mind and better-governe imagination. He proceeds to give his reason for believing i providential. It was, he says, "generally believed afterwards," tha Lord Churchill, Kirke, Trelawney, and some others, had forme a design to seize his person on his way to or from Warminste and place him in the hands of the Prince of Orange. Barillo merely says, that the suspicions entertained of Churchill wer

[a] Col. Maine's relation of a Skirmish, &c. MS. Preston Papers.

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general and strong.[a] Father Orleans makes the charge more confidently. That Jesuit wrote under the eye of the King. Some coincidences of expression would make it appear that he drew from James's Memoirs. Sir John Reresby mentions the plot as generally believed, and suggests the flight of Lord Churchill on its failure as circumstantial proof. Rapin, on the other side, rejects it as inconsistent with Lord Churchill's "respectful letter" to the King; whilst the biographer of the Duke of Marlborough treats it with disdain. The simplicity of Rapin in this instance is unusual to him; but the character and intrigues of Marlborough were not yet disclosed, and the French refugee was carried away by his religious and party sympathies with the commander of the allies against Louis XIV. Archdeacon Coxe, with recent and better information, should have remembered that his hero was the last person in whose case a charge of perfidy and meanness could be treated with contempt.

The King, sinking both in body and mind (the loss of blood co-operating with his disappointment), a prey to two passions which take away all force of soul and faculty—distrust and fear—called round him a council of general officers, and asked them what was to be done. Lord Feversham, his brother the Count de Roye, and Lord Dunbarton, advised a retreat towards London. Lord Churchill urged the King's maintaining his post at Salisbury. James having, he says, now more confidence in the former, adopted their advice. It was too late, he observes, to pursue his first design of advancing upon the enemy. This circumstance is so frequently mentioned by him, that his fatal delays in joining the army must, even after a considerable lapse of time, when he wrote this portion of the Memoirs, have weighed upon his mind.

It is stated in almost all the accounts of the Revolution, that the officers, including those who abhorred the desertion of Lord

[a] Bar. au Roi, 9 Dec. 1688. Fox MSS.

Cornbury but a day or two before, and offered James the last drop of their blood, now waited on Lord Feversham, to say they could not in conscience fight against a Prince whose only purpose was to secure the Protestant religion by a free parliament; though his Majesty might still, as before, command their lives. This circumstance is not stated, or even remotely alluded to, either in the extracts from the King's Memoirs or by the compiler; and neither the compiler nor the King could have any motive for suppressing it. The absence of any reference goes a great way in negativing its truth. The various writers who have mentioned it may have merely echoed "the History of the Desertion," and each other. Barillon, who could scarcely have failed to know and communicate so important an incident had it really occurred, merely says that the temper of the troops did not inspire confidence; that Churchill, Grafton, and Kirke, made no secret of their disaffection; that the privates knew the disinclination of the superior officers, but that James was still glad of having joined the army, because he would have been importuned to call a parliament had he remained in London.

The King at the same time suspected, without distinction, the chief officers of his army. His distrusts were soon realised. Kirke, who commanded the advanced posts, disobeyed an order to fall back upon Devizes, made a frivolous excuse, was placed in arrest, and from James's lenity, as he asserts[a], but more probably from his want of resolution, was soon released. Trelawney, the next in command, deserted from Warminster with Colonel Charles Churchill, Colonel Lewson, a captain, and a few subalterns. Lord Churchill, on the night of the day on which he had sat and advised the King in a council of war, deserted with the Duke of Grafton, Colonel Berkely, and some officers of his own regiment of dragoons. It has been said repeatedly for Lord Churchill that he betrayed no post, and seduced no person to desert. To betray a post was not in his power; the enemy was too distant. But his advice in the council of war, considering that he had long before placed his honour, as

[a] MS. Mem. cited in Life, &c. vol. ii. p. 224.

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he expressed it, in the hands of the Prince of Orange, must have been perfidious; and the inference is irresistible, that he urged the King's remaining at Salisbury, with the hope of being able to betray his post, the army, and his sovereign. The second allegation in his favour is against fact: he carried over the officers of his regiment, and, with still deeper treachery, the counsels of his trusting master. Lord Churchill left behind him his well-known letter to King James,—a flimsy pleading, yet so far above his known vocabulary and style, that no doubt can remain of its having been written for him. It begins by asserting, with remarkable hardihood, that he acted contrary to his interests; and the same pretence was revived several years after the Revolution by his wife.[a] Was it a sacrifice of interest to desert from a prince on the brink of ruin to his successful enemy, who aspired to his crown? Lord Churchill confesses his obligations to James, but pleads "a higher principle"—his religion. With this higher principle, he should have been long since in the court or camp of the Prince of Orange, not of King James. It would be rash to assume that conscience was a mask worn by such men as Lord Churchill, or even the atrocious Kirke. At this period, as Burnet expressed it, a man might be a bad Englishman, a worse Christian, and yet a good Protestant.[b] Religion in 1688 was not a rational conviction, or a sentiment of benevolence and charity; but one of the malignant passions, and a cause of quarrel. Even in the next age, Congreve makes a lying sharper, in one of his plays, talk seriously of fighting for his religion. This is spoken, it is true, by a fictitious personage; but the dramatist calculated upon its being echoed by the best and worst among the audience, from the gallery to the side boxes. Lord Churchill is said to have been received at the quarters of the Prince of Orange with a compliment more appropriate than probable:—"My Lord Churchill," said Marshal Schomberg, "is the first lieutenant-general I have ever heard of that deserted his colours."[c]

[a] Conduct of the Duchess of Marlborough, &c.
[b] Burnet, vol. iii. Oxf. ed.
[c] Life of K. James, from his MS. Mem.

The historians of the Revolution have propagated as a fact, through two centuries, that the treachery of this base favourite and great captain overwhelmed James, and precipitated what has been called his fatal abandonment of his army. Motives of action and states of mind are among the most tempting and fallacious matters of history. The King's consternation appears to have been exaggerated, and the circumstances of his retreat misrepresented. He was warned of the treachery of Lord Churchill, and advised to send him and the Duke of Grafton prisoners to Portsmouth.[a] His adviser, not named by himself, is stated by others to have been Lord Feversham. Barillon, the best authority, names Lord Melfort, and adds that James never took a resolution until it was too late to be of service to him.[b] This counsel, though the King, as he says, upon further consideration, thought not fit to act upon it[c], took away his confidence in Lord Churchill[d]; whose desertion, therefore, did not take him by surprise. It could not have caused the retreat of the army or of the King, which was previously resolved in a council of war.[e] Lord Peterborough told Lord Halifax, that it was proposed afterwards to the King to take the lives of the Duke of Grafton, Lord Churchill, and Kirke, "but that he could not resolve it."[f]

But did King James really desert his army, according to the voice of common fame? His own testimony, in the extracts from his Memoirs, has the best title to confidence in this and most other instances, on the grounds of personal veracity, opportunity, and internal evidence. He appears to narrate without any idea of refutation or defence. According to him, the retreat was advised by Lord Feversham, the Count de Roye, and Lord Dumbarton.[g] The motives which he assigns are, that it was now too late to execute the first design of occupying the posts beyond Blandford, and closing upon the Prince of Orange; that the suspected treachery or actual defection of so many of the chief officers rendered

[a] MS. Memoirs, cited in Life, &c.
[b] Bar. au Roi, Dec. 1. Fox MSS.
[c] MS. Mem. cited in Life, &c.
[d] Id. Ibid.
[e] Id. Ibid.
[f] Halifax MS.
[g] MS. Mem. cited in Life, &c.

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it imprudent to await or approach the enemy and hazard an engagement; that he accordingly adopted the course of retiring behind the Thames, and taking the river for his line of operations.

Other conspiring causes have been assigned by various writers[a]: among these are, a false alarm of the approach of Marshal Schomberg; the risings in favour of the Prince of Orange, headed by Lord Delamere in Cheshire, by Lord Lumley and Lord Danby in the North, by the Earl of Devonshire at Derby; the declaration in favour of the Prince of Orange and a free parliament at Nottingham; a letter from the Queen, conveying her earnest advice, in concert with the chief Catholics, that he should immediately return to the capital, and retire to France. The kingdom, according to this alleged letter, would be in such confusion, that he might expect to be soon recalled by the nation on his own terms.

The operation of a false alarm is not only not mentioned by the King, but incompatible with the circumstances of his retreat. The local insurrections, for the most part distant, could not have affected his military counsels at Salisbury, and were really unimportant in themselves. A victory over the Prince of Orange,—even a vigorous check,—with the proclamation of a general pardon, and perhaps without it, would soon have left the tardy courage of those lords without followers. It is observed by one of themselves[b], that they discreetly limited their demands to a free parliament; that at York, where Lord Danby was the leader, the Prince of Orange was not named; and thus, he adds, they left it in the King's power to oblige them to put up their swords as soon as he pleased. Lord Danby even declared that he was "for *the King* and a free parliament."[c]

No letter from the Queen or the Catholics is mentioned by the King; but the fact of his sending the Prince of Wales to Portsmouth shows that, before he had yet joined the army, he contemplated the possibility of his own flight to France. It was the constant advice and object of Louis XIV. that he should come to no terms with the Prince of Orange; above all, that he should submit

[a] Hist. of Deser. Burnet. Rapin. Echard. Kennet. Ralph.
[b] Lord Delamere's Letter, &c.; State Tracts.
[c] Reresby's Mem.

to no partition or diminution of the royal authority[a]; and this counsel was urged in London by Barillon. The compiler from the King's Memoirs describes the afflictions and anxieties of the Queen, left unprotected and alone, in the midst of a mutinous city; her infant son sent away, as she supposed, to a foreign country; her husband gone upon a dangerous expedition, not knowing whom to trust. —"It is not," says he, "to be wondered, if she begged the King to be cautious what steps he made in such suspected company; not knowing but the ground on which he thought to stand with most security might sink from under his feet."[b] In such a state of mind, the Queen most probably urged his return. This advice would naturally be suppressed by the compiler and the King. The Queen was reproached, by the unfortunate followers of James, with having induced him to withdraw himself from the kingdom[c]; and the husband may be excused for withholding such a fact, in tenderness to one who, whatever her faults as a queen, deserved all his affection as a woman. There appear no grounds for supposing that she was joined by the leading Catholics; there is even evidence of the contrary. Barillon, writing on the 13th of December, states that some Catholic lords were among those who advised the King to concede the required securities to the Protestants.[d] Father Petre, it may be added, had before this time withdrawn himself.

The retreat of King James before the Prince of Orange, to be fairly judged, would require a minute and perhaps military view of the resources, material and moral, which he still possessed. It is a startling fact, at the very threshold, in its justification, that Kirke and Churchill were opposed to it. Lord Churchill, in his endeavour to keep the King at Salisbury, could have consulted only the interests of the Prince of Orange. The Prince, on the other hand, approached the King with a slow and timid step. Upon the news of the King's arrival at Salisbury, he advanced only to Axminster; a short march from Exeter, along the coast, in sight

[a] Barr. Corres. Fox MSS. passim.
[b] Life, &c.
[c] Id.
[d] Bar. au Roi, 13 Dec. Fox MSS.

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"I have been well informed," says Speaker Onslow, "that had he (James) shown any courage and spirit on the occasion, his army would have fought the Prince of Orange."[c] Had James manifested the requisite energy, activity, and resolution, to overawe the false and inspire the faithful, his army would, doubtless, have fought and conquered. But to do this, he must have changed his nature and become another man. The fatal and unpardonable error of James, and the most deeply felt by himself, appears to have been committed in a preceding stage. He might, and therefore should, have joined the troops before the desertions began. His presence in the camp would have prevented the desertion of Lord Cornbury. Had he even placed himself at the head of the troops immediately upon that event, his presence might have maintained or restored the tone of the army. But after three days' delay in London, and three days more of inaction and faintness from anxiety of mind and loss of blood in the camp, his fortunes, to a man of his capacity and temper, were perhaps irretrievable.

The chief wrong which the memory of James has suffered from ungenerous enemies, disappointed friends, and the voice of history, is the imputation of having abandoned his army with dastardly haste. He did not abandon it: he retired with the infantry, leaving the cavalry behind him under the command of Lord

[a] Rapin.
[b] Id.
[c] Note in Bur. vol. iii. p. 333.

Feversham.[a] His first day's march was only from Salisbury to Andover. This negatives precipitation, and, above all, the charge of having separated himself from his troops.

In the morning after the first night's halt at Andover, the King was informed that Prince George of Denmark had deserted in the night. "He was shocked," says the compiler, "by the unnaturalness of the action," but observed, that the loss of a good trooper had been of greater consequence[b]; and, instead of showing the least resentment, ordered his servants and equipage to follow the Prince."[c] According to others, he treated the flight and character of his son-in-law with contemptuous pleasantry. The Prince, upon every new instance of defection, exclaimed, with feigned or foolish wonder, "Est-il possible?" "So," said the King, "*Est-il possible* is gone too."

Prince George left behind him a letter to the King, bearing so close a resemblance to that of Lord Churchill, that both are presumed to have come from the same pen.[d] These pieces of flimsy rhetoric and transparent hypocrisy are undeserving of notice, and too well known to be cited even as curious. It may be remarked, in passing, that Prince George says he is forced to tear himself from his benefactor and father-in-law; first by his conscience, and next by the King's being leagued with the cruelzeal and prevailing power of Louis XIV. against all the Protestant princes of Christendom. He forgot, or did not know, that Denmark was at the time the ally of France.

This prince affords one of the many proofs of the fact, that the meanest faculties suffice to practise knavery with success. He and the Princess Anne, his wife, entirely governed by Lord and Lady Churchill, were engaged to favour the designs of the Prince of Orange before the expedition left Holland.[e] Fagel, who died during the crisis of the Revolution, declared on his death-bed that the Prince of Orange had obtained

[a] MS. Mem. cited in Life, &c.
[b] Life, vol. ii. p. 225.
[c] MS. Mem. cited. Ibid.
[d] See letters in Kennet.
[e] Mem. of Lord Balc. Som. Tr. vol. xi.

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the sanction of the Prince and Princess of Denmark before he resolved upon the enterprise.[a] "The Prince," says the Princess Anne, writing to the Prince of Orange, "went yesterday with the King towards Salisbury, intending to go from thence to you as soon as his friends thought it proper."[b] Thus it appears that he accompanied the King from London with the intention to desert him, and, though so weak-minded as to require and submit to the tutelage of Lord Churchill, he yet had enough of cunning to live unsuspected at the King's table up to the last moment of supping with him at Andover.[c] He was accompanied in his flight by the Duke of Ormond, Lord Drumlanrig, Sir George Hewet, and some others of meaner rank, but not of meaner principles. The young Duke of Ormond was one of the noblemen who figured in the Gazette as volunteering their services, and accepting commissions to raise troops against the invader. He was, at the same time, deep in the intrigues of the Prince of Orange, for corrupting the faith, not only of the army, but the fleet.[d] Lord Drumlanrig, son of the Duke of Queensberry, was also a young man. It is not easy to reconcile with the frankness of youth the treachery with which these noblemen abused up to the last moment the favour, confidence, and hospitality of the unfortunate king. But the vigour and virtue of the English nation and character had dwindled from the restoration of the Stuarts: a degenerate race succeeded the men of the Commonwealth. The aristocracy seem to have been born without that sense which is supposed to be their peculiar distinction,—the sense of honour.

[a] Lett. of D'Albyville to Lord Preston, 16th Dec. 1688. Preston Papers.
[b] Princess Anne to Prince of Orange, 18th Nov. Dal. App.
[c] Rer. Mem. [d] Byng's Mem. in Dal. App.

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DESERTION OF THE PRINCESS ANNE. — PROGRESS OF INSURRECTION. — THE KING TREATS WITH THE PRINCE. — INTRIGUE OF LORD HALIFAX. — THE PRINCE OF WALES SENT TO PORTSMOUTH. — NEGOTIATION WITH WILLIAM. — TERROR OF JAMES. — THE QUEEN AND PRINCE OF WALES SENT TO FRANCE. — FIRST FLIGHT OF THE KING. — DISORDERS IN LONDON. — IRISH ALARM. — ASSEMBLY OF PEERS IN THE CITY. — PROGRESS OF THE PRINCE.

THE King left Andover on the morning of the 25th, repassed the Thames with the greater part of the infantry, distributed the troops between Maidenhead, Windsor, Staines, Egham, Chertsey, Colnbrook, and other parts within the river, and arrived on the 26th in London. The first news that met him was the flight of his daughter, the Princess Anne. It was now that, as a sovereign and father, he appears to have been overwhelmed. He burst into tears, and cried, "God help me! my own children have forsaken me." According to the compiler of his life, he compared his situation to that of King David, and exclaimed, with him, "Oh, if mine enemies only had cursed me, I could have borne it!"

Desertion of the Princess Anne.

The Princess, like Prince George and Lord Churchill, her confederate predecessors in desertion, left a letter. It was addressed to the Queen. In this letter, truth and nature are thrown aside. "Madam," she says to the Queen, whom she hated, "I beg your pardon, if I am so deeply affected with the surprising news of the Prince's being gone, as not to be able to see you, but to leave this paper, to express my humble duty to the King and yourself, and to let you know that I am gone to absent myself, to avoid the King's displeasure, which I am not able to bear to the Prince or myself..... Never was any one in so unhappy a condition, so divided between

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duty and affection to a father and a husband." This dutiful and affectionate daughter and wife was already in correspondence with her father's enemy, was a party to her husband's desertion, was long resolved upon her own, and fled to the Prince of Orange.

The Princess Anne, like her elder sister, was brought up by Protestant divines of mean capacity[a] and intolerant zeal. She was taught to look upon the Church as grievously ill used in being deprived of the pleasure of crushing or worrying Papists and Dissenters. "It is," says she, with the characteristic vulgarity of her language and understanding, "a melancholy prospect that all we of the Church of England have. All the sectaries may now do what they please. Every one has the free exercise of their religion, on purpose, no doubt, to ruin us, which I think to all impartial judges is very plain."[b] She was, no doubt, a sincerely devout person; but her devotion consisted mainly in abhorring the religion of her father. "I abhor," says she, "the principles of the Church of Rome as much as it is possible for any one to do. And certainly, there is the greatest reason in the world to do so; for the doctrine of the Church of Rome is wicked and dangerous, and directly contrary to the Scriptures; and their ceremonies, most of them, plain downright idolatry."[c] Idolatry!—fatal word, which has edged more swords, lighted more fires, and inhumanised more hearts, than the whole vocabulary of the passions besides.

Such was the confession of faith of the Princess Anne. She was taught, moreover, to identify the principles of the Church of Rome in their most odious colours with her own father,—to believe that he had imposed between her and the throne a suppositious papist heir.[d] The only question remaining is, whether her abhorrence went only to his religion, and did not extend to his person. Yet never had daughter a more kind and

[a] Burnet, vol. iii. Conduct of the Duchess of Marlborough. [b] Dal. App. 302.
[c] The Princess Anne to the Princess of Orange, April 20. 1688. Dal. App.
[d] Sheffield, Duke of Buckingham. Account of the Revolution.

indulgent father. With all his bigotry, he rarely spoke to her on the subject of religion. One occasion was, that of her talking to the person next her, or looking another way, while a priest said grace at the King's table. This solitary interference, which appears to have been mild, and the outrage to common decorum, as well as filial respect, which provoked it, are recorded by herself.[a]

The letter of the Princess Anne, said to have been left by her on her toilet, was not delivered. The consequences might have proved fatal to the Queen. The servants of the Princess, alarmed by her not appearing two hours later than her usual time in the morning, went into her bed-room, found her bed empty, ran, screaming, to Lord Dartmouth's, and told Lady Dartmouth their mistress was murdered by the priests. They next went to the Queen, and asked her what she had done with the Princess. The Queen answered, very gravely, that she supposed their mistress was where she liked to be, assured them she knew nothing of her, and said she had no doubt they would soon hear of her.[b] "Her nurse and my Lady Clarendon," says the King, "ran about like people out of their senses, crying out the Papists had murdered her; and, when they met any of the Queen's servants, asked them what they had done with the Princess; which, considering the ferment the people were in, and how susceptible they were of any ill impression against the Queen, might have made her be torn in pieces by the rabble."[c] The common version of the appearance of the letter is, that it was published by the Court in its own defence, "for fear," says one historian, "the Papists should be cut to pieces in revenge, even by the King's own guards."[d] The Queen, had she possessed the letter, would doubtless have produced it in the first instance, and the King says expressly it was never delivered.[e] The suggestion of the compiler of the Life of James, that it was kept back in order to favour the rumour that the Princess was

[a] Her Letter to the Princess of Orange, Dec. 22. 1686. Dal. App.
[b] Lord Dartmouth, note in Bur. vol. iii. p. 335.
[c] MS. Mem. cited in Life, vol. ii. 226.
[d] Ralph, 1048.
[e] Ubi supra.

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made away with, is unwarranted.[a] It appears, however, that the flight and safety of the Princess were already known before the letter appeared.

The manner of her flight is described circumstantially by the Duchess of Marlborough, the contriver and companion of her escape.[b] The Duchess asserts that it was unpremeditated. The main facts stated by herself prove the contrary. The sudden news, she says, of the desertion of Prince George and return of the King so frightened the Princess, that she said, "rather than see her father, she would jump out at the window." A note had been sent very opportunely, a little before, to Lady Churchill, mentioning where the Bishop of London might be found, "if the Princess wanted a friend." The Bishop, who, according to the Duchess of Marlborough, "had absconded at this critical moment," was commanded to attend at a given time and place. The Princess went to bed as usual, to prevent suspicion; soon rose; escaped by a back staircase, with Lady Churchill and Mrs. Berkeley into the street; and was borne off by the Bishop in a hackney coach, at midnight, — first, to his own house, in Aldersgate; then to Lord Dorset's, at Copthall; next to Northampton, where he took the command of an armed escort of volunteer cavalry; and thence to Nottingham. Here the Earl of Devonshire appears to have superseded the gallant Bishop in the command[c], and conducted the Princess to the Prince her husband at Oxford, on her way to join the Prince of Orange.

Her flight was doubtless caused, in one sense, by the news of her husband's desertion. It was the signal for which she waited. But her preparations were made. She had absented herself some time, under the pretence of bad health and pregnancy, from the apartments of the King and Queen[c]; and she caused the very stairs by which she escaped to be made for the purpose, under pretence of having more easy access to the apartments of Lady

[a] Conduct of the Duch. of Marlb. pp. 17, 18.
[b] Letter of Lord Devonshire to the Prince of Orange, Dal. App.
[c] MS. Mem. cited in Life, &c.

Churchill.[a] It is stated that Mulgrave, the lord chamberlain, had orders to apprehend Lady Churchill and Lady Fitzharding; that the Princess induced him to defer the execution of his orders until she should have spoken to the Queen next day; and that in the mean time she and her two attendant ladies fled.[b] This version is incorrect. Sheffield, Duke of Buckingham, then Earl Mulgrave, says, in his Memoir of the Revolution, that the King, upon the desertion of Lord Churchill, sent immediate orders to seize his papers at Whitehall, without having first secured either his lady or the Princess; "which," he adds, "was only frightening the one and disobliging the other."[c] It is thus clear that no such orders were sent to the chamberlain. Warrants of arrest and seizure were, however, really sent up by the King. Lord Middleton, who accompanied James, despatched from Andover, on the morning of the 25th, to Lord Preston, secretary of state, an order to seize the goods and furniture of Lord Churchill; and arrest the clerk of his troop, as a security for the military chest in his hands.[d] In the evening of the same day, Lord Middleton sent Lord Preston, from Hartley Row, the King's order to confine Lady Churchill to the apartments of her sister, Lady Tyrconnel; and Mrs. Berkeley, wife of the fugitive Colonel, to her father's house.[e] The resolutions of James were generally, his measures always, taken too late.

Progress of insurrection.

If the flight of his daughter wounded the heart of James as a father, other calamities encompassed and pressed upon him more fatally as a sovereign. Insurrections multiplied and spread. The Prince of Orange was advancing, unopposed. Lord Bath, the governor of Plymouth, declared for him. This lord had been some time waiting to ascertain the stronger side, and added another example of intrigue and ingratitude.[f] Lord Shrewsbury took undisputed possession of Bristol. The University of Oxford, that citadel of divine right and passive obedience, sent in its

[a] Lediard's Life of Marlborough. [b] Id. ibid.

[c] Works, vol. ii. p. 76.

[d] Lett. of Lord Middleton to Lord Preston. Andover, 25th Nov. Preston Papers.

[e] The same to the same. Hartley Row, 25th Nov., seven in the evening. Ibid.

[f] MS. Mem. cited in Life, vol. ii. p. 230.

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adhesion to the Prince of Orange. Doctor Finch, warden of All Souls, on the part of certain heads of houses, invited the Prince to Oxford, and offered him their plate. The midland and northern counties, from Northampton to Newcastle, were in the occupation of lords and gentlemen armed for the Prince of Orange and a free parliament. Hull was seized, in the name of the Prince, by the Lieutenant-Governor Copley, who disarmed the Catholic soldiers, and arrested the Catholic governor, Lord Langdale, in bed. York was seized by Lord Danby, who confined the governor, Sir John Reresby, on his parole, to his own house. This governor was utterly destitute of means of defence.[a] James, by a rare exception, notices with some bitterness the conduct of Lord Devonshire. He had, he says, remitted the fine of 30,000*l.* to which that nobleman was condemned for having struck Colonel Culpepper in the King's apartment. But Ralph states a fact, communicated to him personally by one of the Cavendish family, which detracts from the grace of this remission by the King. The earl's mother, after long absence from court, appeared at the drawing-room, and, kneeling to the King, presented to him a written acknowledgment of debt to that amount by the king, his father, to the father of the earl.

These rustic levies, at the heels of their landlords, would have been of little account against a handful of disciplined troops under competent and faithful officers.[b] James had troops, but his officers were incompetent or unfaithful.

Among the King's chief sources of peril and distress was the state in which he found the capital. His council had been ill chosen: Jeffreys was odious for his character; Lords Bellasis and Arundel for their religion. Lord Godolphin alone possessed any share of the public confidence, and he had long been in correspondence with the Prince of Orange. During the King's absence, London was agitated by party-spirit and sinister rumours. The populace, after plundering some Catholic chapels, threatened

[a] See his Memoirs. [b] Letter of Lord Dev. to the P. of Orange, 2d Dec. Dal. App.

to massacre the Catholics themselves. Blood appears to have been shed. The historian Oldmixon records with complacency the Protestant feat of a goldsmith's apprentice, who, meeting a priest carrying away a silver candlestick, cut off the priest's hand with the candlestick at a blow.

Never was prince more in want of counsel, or in a state which rendered counsel more difficult. Barillon writes to his master, that seeing the King and his ministers day and night, he yet could learn neither the force nor the progress of the Prince of Orange; that they were in the same state of ignorance at Salisbury; that the King's resolutions perpetually changed; that he was again eager to meet and fight the Prince of Orange, contrary to the opinion of the general officers, who said the Prince might decline a battle if he chose; that the difficulties and disappointments hourly presenting themselves would embarrass persons more conversant with public business and the art of war.[a] Sunderland after his disgrace, still haunted the King. He met James at Windsor on his way to Salisbury, and was well received.[b] On the King's return to London, Sunderland again appeared at court, but was now harshly spoken of by James.[c] The conviction that his position was desperate forced itself upon James at last. It is said that he first consulted with a few Catholics only, who unanimously advised him to fly to France.[d] This seems doubtful. According to others, he applied himself to a few lords of known zeal as Protestants, but who still adhered to the King[e]; in other words, who performed the work of the Prince of Orange within the laws.[f] They declined the responsibility of advising him, but suggested that he should summon all the lords spiritual and temporal within his reach. This course was adopted by him reluctantly and with little hope of advantage. "He assembled them," he says, "to deprive them of the right to say, that if they had been called by the King they would have done wonders for him.[g] His account

[a] Bar. au Roi, 9 Dec. 1688, Fox MSS.
[b] Bar. au Roi, 1 Dec. Fox MSS
[c] Le roi s'explique durement sur son compte. Bar. au Roi, 9 Dec. Fox MSS.
[d] Sheffield D. of Buck., Account of the Rev.
[e] Bur.
[f] Ralph, 1049.
[g] MS. Mem. cited in Life, &c.

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of the meeting differs from the previously received version. There were present thirty or forty temporal and nine spiritual lords.[a] The assembled peers, according to the general current of authorities[b], advised him to call a parliament, to treat with the Prince of Orange, to proclaim a general pardon, to remove all Catholics from office. He asked one night for deliberation, and next morning adopted their counsel, with the exception of that part which related to turning Catholics out of all employments. This he reserved for the decision of a free parliament. The King states, that having shortly addressed them on the occasion of their being assembled, he told them he had ordered writs for calling a parliament, and desired their advice; that Lords Halifax and Nottingham, especially the latter, spoke in a tone of great respect and seeming concern; that Lord Clarendon railed indiscreetly and seditiously, declaiming against popery, and blaming the personal conduct of the King; that the general opinion was in favour of treating with the Prince of Orange; and that Lords Halifax, Nottingham, and Godolphin were appointed commissioners. The calling of a parliament would thus appear to originate with James. This seems probable, if for no other reason than that, like all his compliances, it came too late to be of the least service to him. In point of fact, writs were issued the day after (November 28th), for calling a parliament on the 15th of January, and on the 30th proclamation was made, both of the intended meeting of parliament, and of a general pardon to all his majesty's subjects, for any act or part in favour of the Prince of Orange, since or before his landing.

The language charged upon Lord Clarendon by the King is mentioned by others. Burnet describes it as indecent, insolent, and generally condemned. There is something curiously inconsistent in this lord's party influence and pretension. He was a person of mean understanding and still meaner conduct. A glance,

[a] MS. Mem. cited in Life, &c.

[b] The chief, if not only, original sources, appear to be "The History of the Desertion," and Henry Lord Clarendon's Diary.

in passing, will suffice for an estimate of his character. After invoking God in his despair upon the calamity of beholding his son a rebel[a], he wrote a letter to the Princess Anne, complimenting her upon her desertion.[b] Finding that neither he nor his brother Rochester were likely to be appointed to treat on behalf of James with the Prince of Orange, he indulged in pedant wisdom and ungenerous reproaches against the unhappy fallen king; deserted next day to the Prince of Orange; was received without confidence or respect[d]; had the baseness, it will be seen, to suggest that James should be sent to the Tower; continued to be neglected or despised by William; and ended in making profession of conscience, loyalty, and jacobitism. The brothers Hyde owed to James their own fortunes, and the elevation and honour of their sister. They inherited the meanness without the capacity of their father. The first Lord Clarendon, however, is chiefly indebted for his title of great to the littleness of his son and successor.

The King was embarrassed in the choice of commissioners to treat for him. His service was still an object of ambition and intrigue. This is not to be ascribed to the inherent magic of court favour, and least of all to disinterested fidelity. James was no longer worth serving, but much might be made of the opportunity to betray him. Rochester at this period was sworn of the privy council, and took his seat.[e] The strife was principally between him and Halifax. With their mutual animosities, they could not be joined in the commission. Halifax had superior talent, with the support of the Dissenters, and was preferred. To conciliate the high-church party, of which Rochester was the chief, Nottingham, also of that party, and of high consideration in it, was joined with Lord Halifax. The King appointed as third commissioner Lord Godolphin, who had the dexterity or dishonesty[f] to possess at the same time the confidence of James and of the Prince

[a] Diary of Henry Earl of Clarendon.
[b] Conduct of the Duchess of Marlborough, p. 19.
[c] Lord Dartmouth, note in Bur. vol. iii. 340.
[d] Bur. ibid.
[e] Narc. Lutt. Diary.
[f] Sheffield D. of Buck., vol. ii. p. 7.

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of Orange. He was still a cabinet minister and an officer in the household of the queen.

On the 30th of November a trumpeter was sent to the Prince, requesting passes for commissioners to treat with him on the part of the King. The commissioners themselves set out on the 2d, and were met by their passes at Reading on the 3d of December. Amesbury was appointed by the Prince as the place of meeting. Upon arriving there, they were informed that they should find his Highness at Hungerford: they accordingly faced about, and came to Hungerford, where they had a fresh disappointment. The circuitous journey from Reading, by Amesbury to Hungerford, was sufficiently contemptuous to the representatives of one who was still the King of England. On their arrival, the Prince would not see them, and appointed to treat with them Lords Oxford and Clarendon. The choice of negotiators was another instance of contempt and artifice. Lord Clarendon was disregarded at all times by the Prince of Orange[a]; he was the known enemy of Lord Halifax, whom he was to meet; and Lord Oxford, besides his singularities of character, had not the slightest acquaintance with business.[b] The King's flag had met the Prince on his way to Oxford with the purpose of securing the whole western district. He saw that the game was now in his hands, and marched direct upon London. Time and ground were gained by him in the change of rendezvous. The King's commissioners were, moreover, called upon to give in their overtures in writing. This was both evasion and insult; and they complied. Their memorial, if it may be so called, was given in on the 8th, and the Prince's answer returned on the 9th of December. It would be idle to remark on delays and evasions, when the negotiation itself was, on the Prince's part, a mockery. He now aimed at that which could not be attained by any negotiation or compromise, — the possession of the crown. His engines had for some days been

[a] Dal. App. and Hal. MS.

[b] Burnet names Lord Shrewsbury, while Lord Clarendon, in his Diary, mentions Marshal Schomberg as a third negotiator on behalf of the Prince.

in full operation, and his means were unworthy of his character.

The Prince found his chief agent in one of the King's commissioners, Lord Halifax. That nobleman was among the most accomplished persons of his day. He spoke and wrote with surpassing wit, grace, and eloquence. His style had, by anticipation, the polished ease of the age of Anne, with more vivacity and imagination. Such a man should have stood forward, for the honour of superior talents and cultivated tastes, a proud exception to the general prevalence of political perfidy and court intrigue. His reputation needs, on the contrary, all the indulgence that can be derived from the example of universal degeneracy. His uncle Shaftesbury was a more daring, Sunderland was a more corrupt, but neither was a more versatile intriguer. Shortly before the invasion, probably when Sunderland was lingering in his place, Lord Halifax had private meetings with James, and even negotiated with the priests for his return to court.[a] He was no sooner appointed commissioner by the King, than he entered into communication with a confidential agent of the Prince of Orange in London. He told this agent, that he received his appointment with alarm, lest it should bring him into suspicion with the Prince. The agent replied, that he had reason to be alarmed; that his being the King's commissioner would subject him to "unhappy suspicions" of wishing to impede the designs of his Highness by a delusive negotiation, at a moment when nothing of that sort would be endured; when there was no room for trust, and every thing must be *built upon new foundations and a total change of persons.*[b] Lord Halifax gave his assurance to act in such a manner as not to incur censure. The pretence of a free parliament was now thrown aside, and to prepare for the "new foundations" and "a total change of persons," it was circulated in print and conversation, that the King would not adhere to his engagements; that popish treaties were not to be relied on[c]; that it would be

Intrigue of Lord Halifax.

[a] Reres. Mem. [b] Unsigned letter in Dal. App.

[c] "Letter from a gentleman in York to a friend in the Prince of Orange's camp," cited in Ralph, vol. i. p. 1051.

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the greatest folly to graft any thing on the old stock.[a] No party means were left untried to render the religion and friends of James odious, and, what is perhaps more fatal, ridiculous. A hue and cry after Father Petre was hawked through the metropolis, and the famous Lillibullero was sung by men, women, and children, in private houses, in taverns, and in theatres. Lord Dorset is supposed to have been the author. It is unworthy of him. Without any lyric merit, it hit the popular humour, and would be forgotten by this time, even to its name, if that were not preserved in the nondescript romance of Sterne.

A spurious manifesto, entitled "Third Declaration of the Prince of Orange," was a more unwarrantable artifice. A moment's reflection would have shown that it did not proceed from the Prince. But vulgar zeal, religious party-spirit, and the populace, do not reflect; and it was soon found too useful to be contradicted. It proclaimed that all Papists found with arms in their houses, or on their persons, or in any office or employment, should be treated as robbers, freebooters, and banditti, refused quarter, and delivered up to summary execution. It set forth that great numbers of armed Papists were assembled in London and Westminster, to destroy the Protestant inhabitants by fire or massacre. It commanded all authorities, civil and military, to disarm and secure Papists, especially in London and Westminster. It finally declared that all magistrates and others who should fail to act as required, would be treated by his Highness as the most criminal and infamous of men, betrayers of their religion and country. This terrible denunciation was circulated on all sides; copies of it were sent to the Lord Mayor and the King. The meaner, and therefore more furious champions of the Protestant religion and of the Prince of Orange, called upon magistrates to carry its contents into execution. The Catholics, the courtiers, the King himself, were panic-struck for their lives. There was the utmost danger of a massacre. This forgery was ascribed to Samuel Johnson, already named. With all his animosity to

[a] Unsigned letter to the Prince of Orange. Dal. App. 337.

Papists, he appears to have been incapable of such a villany; and the authorship of it was claimed after a lapse of years by Speke the spy, who was at this time, by his own account, not in the camp, but in the court of the Prince. It has been said in vindication of the Prince of Orange, that he knew nothing of the concoction of this reckless forgery, and that he contradicted it as soon as its existence was made known to him. Speke, on the other hand, asserted, — but when the Prince was no longer alive to contradict him, — that he showed it to the Prince at Sherborne Castle; that the Prince was somewhat surprised, but, upon consideration, was not displeased with the thing; and that his Highness and those about him afterwards acknowledged that it did great service. Speke is unworthy of credit; but it appears, even upon the showing of the friends of the Prince, that William's disavowal was but verbal, and confined to those about him. The Prince of Orange had already the reputation of being not only a phlegmatic but an unscrupulous politician. His policy was charged by some with tolerating, by others with sharing, the practices which stimulated the populace of the Hague to massacre the patriot brothers De Witt, and give him undivided sway over the Republic. The profit which he made of this impudent and atrocious fabrication leaves an additional stain upon his character. The King and his counsellors must have been infatuated or appalled, when they made no effort to punish those who had been guilty of circulating, and of attempting to carry into execution the contents of a paper, in which the Prince appeared not only to command massacre, but to usurp the powers of the crown.

The Prince of Wales sent to Portsmouth.

The ill news from every quarter of the kingdom which hour by hour reached the King; the turbulent spirit of his enemies; the panic terror of his friends around him in the capital; the inauspicious delays, the insulting evasions, to which his commissioners were subjected by the Prince of Orange; the advance of the Prince direct upon London; made him not only meditate, but prepare for his escape from the kingdom. His first step was to order the Prince of Wales to be carried over to France. The child had been

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sent down to Portsmouth when the King left London for the camp at Salisbury. Lord Dover, who succeeded the Duke of Berwick in the command of the garrison, had dormant orders for him and Lord Dartmouth to take the Prince over in a yacht. It is stated by the King, that Lord Dartmouth readily undertook to execute this service when the orders were first shown to him; that he afterwards changed his own mind, and that of Lord Dover; and finally refused to let the infant Prince be carried out of the kingdom.[a] "'T is my son they aim at," says James to Lord Dartmouth, "and 't is my son I must endeavour to preserve, whatever becomes of me. Therefore I conjure you to assist Lord Dover in getting him away in the yacht."[b] The King, however, faltered in his purpose; suspended his orders, and repeated them the following day. Lord Dartmouth, at some length, and with apparent emotion, vindicates his refusal to convey or even to permit the conveyance of the heir apparent out of the kingdom, on the ground, first, of the strictness of the law against it; next, of the disastrous consequences to the nation and to the King himself.[c] He accounts for his apparent acquiescence at first, when the orders of Lord Dover were shown to him, by his hope that the King would see cause to change his mind. His conduct may be differently, and much more probably, accounted for. Lord Dartmouth appears in a constant struggle to conceal from the King, and from himself, the mastery obtained over him by the officers who were in the interests of the Prince of Orange. Byng brought a letter from several officers of the fleet to the Prince at Exeter, and took back a letter from him to Lord Dartmouth[d], urging the necessity of his coming over, and offering to continue him in the command, with an assurance that Herbert should not be advanced above his head. "This letter," says Byng, "had some effect on him. From that time he seemed inclinable to the Prince's party."[e] The letter was laid privately

[a] MS. Mem. cited in Life, &c. vol. ii. 233.
[b] Dal. App. 326.
[c] See his letter, Dal. App. 328.
[d] Byng, in Dal. App.
[e] Ibid.

by the captain of his own ship on his toilet. An admiral, who wanted the energy or authority to investigate a plot to seize his person, abstained, as might be expected, from instituting any enquiry respecting a letter which was a direct provocation to treason and desertion.

Lord Dartmouth, after the Dutch fleet had escaped him, was, as he expressed it, "at a stand what to do," and wrote to the King for further orders. James ordered him to attack the Dutch, even after they had landed their convoy. A more enterprising officer would have done this without waiting orders. Lord Dartmouth, when he received the orders, was unable to execute them, and put into Portsmouth with his fleet disabled by the weather. The officers who were engaged to the Prince of Orange, having discovered the arrival of the Prince of Wales at Portsmouth, for the purpose of being taken to France, obliged Lord Dartmouth to send out armed boats to intercept him, and themselves kept watch.[a] This appears to be the true solution of the change of mind and peremptory refusal of Lord Dartmouth. He refuses to do that which was no longer in his power.

Disaffection had spread in the fleet since its arrival at Spithead. James counts amongst his sorrows, an address from the officers for a free parliament; in which they declared, he says, their resolution to stand by the Protestant religion, but not one word of standing by the King.[b] As a mark of displeasure, this address was denied the honours of the Gazette. The King, under all these circumstances, not only despaired of getting away the Prince, but thought him no longer safe at Portsmouth. He accordingly had the child brought back to London with the utmost secrecy. The young Prince, it is said, narrowly escaped a party sent by the Prince of Orange to intercept him in New Forest[c]

Negotiation with William.

The Prince of Wales was brought back from Portsmouth to London on the 8th of December. On the evening of the 9th, the King received, he says, the answer of the Prince of Orange to the

[a] Byng, in Dal. [b] MS. Mem. cited in Life, vol. ii. 234.
[c] Life of K. James, 235, 236.

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propositions of his commissioners. Both were mere preliminaries. The King's commissioners were instructed in substance to acquaint the Prince, that his Majesty had observed that his Highness seemed to refer all matters of complaint to a free parliament; that his Majesty had some time resolved to call a parliament, and deferred it only until the times were more composed; that his Majesty, however, observing the desire of his people for a parliament, had put forth his writs and proclamation for immediately calling one; that his Majesty had authorised his three commissioners to consent to every requisite arrangement for the security and freedom of its deliberations; that, in the mean time, the respective armies should be restricted within such limits, and at such a distance from London, as would remove all apprehensions for its freedom. The King's commissioners were privately and particularly instructed by him to insist, as the first condition, that the army of the Prince of Orange should not come nearer London than thirty or forty miles; being determined, he says, if this was refused, to abandon all further negotiation and take his measures accordingly.[a] The answer of the Prince was conveyed in the following seven articles.

I. That all Papists, and all such persons as are not qualified by law, be disbanded and removed from all employments, civil and military.—II. That all proclamations which reflect upon us, or any that have come to us, or declared for us, be recalled; and that if any persons, for having so assisted, have been committed, they be forthwith set at liberty.—III. That, for the security and safety of the city of London, the custody and government of the Tower be immediately put into the hands of the said city.—IV. That if his Majesty shall think fit to be at London during the sitting of the parliament, that we may be there also with an equal number of our guards; or if his Majesty shall please to be in any place from London, at whatever distance he thinks fit, that we may be at a place of the same distance; and that the respective armies do

[a] MS. Mem. cited in Life, vol. ii. 240.

remove from London thirty miles; and that no more foreign forces be brought into the kingdom.—V. That, for the security of the city of London and their trade, Tilbury Fort be put into the hands of the said city.—VI. That, to prevent the landing of French or other foreign troops, Portsmouth may be put into such hands as by your Majesty and us shall be agreed upon.—VII. That some sufficient part of the public revenue be assigned us for the maintaining of our forces until the meeting of a free parliament.

Bishop Burnet states in his history, that the lords commissioners were satisfied with the answer of the Prince. He asserts further, in the Preface to a volume of his sermons, that the terms were acknowledged even by the King to be better than he expected; and on this foundation, assuming both facts as true, historians have praised the moderation of the Prince of Orange. It is astonishing that they should not rather have judged by the document itself before their eyes. The Prince not only arrogates the regal style, but demands, under the name of securities, an extent of substantive power, which would have placed him on the throne, with the King seated as a mere cipher by his side. The answer was viewed in this light by the King. He was confirmed in his resolution of sending away the Queen and Prince of Wales to France, and following them in twenty-four hours[a]; "for now," says he, "things were come to that extremity, by the general defection of the nobility, gentry, and clergy; by the scandalous desertion of the chief officers and others in the army; as gave little reason to trust those who remained; so that no other counsel could reasonably be embraced, but to quit the kingdom with as much secrecy as he (the King) possibly could."[b]

Such is the account given by James of the motives of his flight. Others, echoing Burnet and the pamphlets of the time, charge his resolution upon the advice of the Catholics. "Strange counsels," says the Bishop, "were now suggested to the King and Queen; the priests and violent Papists saw a treaty was now opened; they knew that they must be the sacrifice."[c] Burnet must have

[a] MS. Mem. cited in Life, vol. ii. 241. [b] Ibid. 242. [c] Bur. vol. iii. 342.

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known, if he knew any thing of the designs and operations of the Prince of Orange, that the treaty on foot was a mockery on his part; and that nothing would satisfy him and his friends short of "new foundations," and "a total change of persons,"—that is, setting aside the King. The pernicious counsels of Papists to James II. are hackneyed to very disgust, without authority or evidence. It would seem as if, when Popery was the culprit, proof were superfluous. Popery was, moreover, a sort of devoted victim, upon which the Protestant minions of James's tyranny would charge all their sins. Sunderland and Mulgrave[a], who worshipped at the altar of this very Popery, the one publicly, the other privately, would have it supposed that they were always opposed to its counsels, and they are among the authorities upon which Papists are made responsible in history for all the misdeeds of James.

Terror of James.

The ill-fated James appears to have been distracted by the various and conflicting opinions around him: some advised that he should remain at his post and trust to events; others were adverse to his putting himself in the hands of the Prince of Orange. The Duke of Hamilton proposed that he should retire to Scotland, but with the condition of his abandoning the chancellor Perth and the Papists. Tyrconnell engaged to defend the person and maintain the cause of James in Ireland, if he were supplied with arms and ammunition.[b] The Queen and the Catholics may have advised the King to withdraw himself, though there appears no direct or express evidence of the fact; there is even a denial of such advice on behalf of the Queen. Barillon having found it impossible to persuade the King to accept French aid in time[c], pressed him to take refuge in France; but Louis in reply to the dispatch of his ambassador describing the situation of James, declines advising him in his desperate fortune, and instructs

[a] Sheffield Duke of Buckingham. Account of the Revolution.

[b] Bar. au Roi, Dec. 13. & 15. Fox MSS.

[c] So late as the 25th of November (N. S.) that Minister informed James that an auxiliary force of French troops was ready at Dunkirk and Calais to sail for England, Bar. au Roi, 25 Nov. 1688. Fox MSS.

Barillon to attend the King in his retreat to Ireland or Scotland,— having first secured by the promise of liberal payment the services of a lord or commoner, who should convey secret information of what was passing among the members of either or both houses.[a]

The King appears to have been determined by the advice, not of the Queen, the Catholics, or Barillon, but of Lords Godolphin and Halifax, his Protestant commissioners. This is one of the meanest and most characteristic intrigues of the Revolution. Lord Godolphin, whilst on his mission to the Prince of Orange, wrote to the King his advice to withdraw for the present, assuring him that his subjects would, before a year, invite him back on their knees.[b] This is precisely the advice charged by others upon the Catholics and the Queen. It could not have been given in good faith by Lord Godolphin. His judgment was too clear, and, it may be hoped, his patriotism and humanity too strong, to hazard the disorganisation of society and government upon his speculative opinion, that a restoration would be adopted as a refuge from anarchy. It has been observed, that he long before was charged with disclosing the counsels of James to the Prince of Orange. His object then must have been to remove the King out of the path of the Prince.

Lord Halifax played his part with deeper perfidy. This opinion is expressed without reference to the strange statement of Bishop Burnet, which seems, indeed, too inconsistent to be true. It should be cited, however, for the judgment of the reader. "The Marquis of Halifax," says he (on the arrival of the commissioners at Hungerford), "sent for me. But the Prince said, though he would suspect nothing from our meeting, others might; so I did not speak with him in private, but *in the hearing of others.* Yet he took occasion to ask me *so as nobody observed it*, if we had a mind *to have the king in our hands.*" I said by no means, for *we* would not *hurt his person.* He asked next, what if he had a mind to go away. I said nothing was so much to be

[a] Le Roi à Bar. 20 Dec. Fox MSS. [b] Lord Dartmouth; note in Burnet, iii. 345.

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wished for: this I told the Prince, and he approved of both my answers."

Is it credible that Lord Halifax started an overture of the blackest guilt and infamy in a room with others, in mere conversation with an inferior personage, who had little credit and no discretion, and whilst he had, it has been shown, more suitable vehicles of communication with the Prince of Orange? Such a step outrages all probability when imputed to a statesman noted for his finesse. But why should Burnet invent and dramatise such a scene? It may be accounted for by his distinctive character. He appears throughout his history a subaltern partizan conscious of his inferiority, and struggling to convince others and himself that he was a personage of the first pretension. Such a man, whose vanity moreover was notoriously unscrupulous, having heard of the intrigue of Lord Halifax, would seize and mould it to his purpose as a proof of his importance, and as an episode in his history.

But the perfidy of Lord Halifax is not the less certain. It is attested by a better witness in a more consistent shape. Sir John Reresby, of whom that lord was the political and private friend, states, on the authority of a court lady, since known to have been Lady Oglethorpe, and of the acquiescence of Lord Halifax himself, that "after having conferred with his highness (not with Burnet), his lordship sent the King a private letter, intimating an ill design against his person, and that this was the real cause of his Majesty's flight and the departure of the Queen."[a] The King has himself recorded his fears for his life. In one passage of his Memoirs he says, that, well remembering how his father and several of his predecessors had been used, he saw no security where he was[b]; in another, that if he did not go out of the kingdom, the Prince of Orange "would probably find other means to send him out of it, and the world, too, by another way."[c]

The Queen and Prince

King James mentions the answer of the Prince as one of the

[a] Rer. Mem. [b] MS. Mem. cited in Life, vol. ii. 249. [c] Ibid. 268.

determining causes of his sending away the Queen and Prince of Wales. It would appear from the dates that the answer — at least the written answer — could not yet have reached him. It was placed in the hands of the commissioners at Littlecot, on the 9th of December, and the Queen went off on the night of that day. But the letter of Lord Halifax may have been received; and the delays, evasions, and continued advance of the Prince of Orange were as good evidence of his intentions as the answer itself.

of Wales sent to France.

The account of the Queen's departure by Father Orleans was, up to the recent publication of the Life of James II., the only circumstantial one: that of the compiler from the King's Memoirs mainly agrees with it. Both, probably, are derived from the same source. Lauzun, noted for his amour or marriage with Mademoiselle d'Orléans, and the whimsical impertinence with which he was accustomed to treat the first princess of the house of Bourbon, came over to England, and offered his military services to King James. He is represented by some as a special envoy of Louis XIV.: that prince knew how to choose his envoys better. Lauzun, a frivolous courtier, sought only an escape from court disgrace and ennui. James, having no longer occasion for his military services[a], selected him to conduct the escape of the Queen. Disguised as an Italian lady returning to her country, she crossed the river from Whitehall to Lambeth, in an open boat, on a dark December night, in a storm of wind and rain, with her infant son, his nurse, Lauzun, and two persons more; stood shivering near an old church wall for an hour, until a hackney coach came up; was fortunate enough to reach Gravesend undiscovered; and there went on board a yacht, which conveyed her in safety, with a fair wind, to France. The sufferings of the Queen, in her escape from Whitehall to Gravesend, have been arrayed in the rhetorical graces of pathos and the picturesque. Her circumstances might well excite pity and meditation; but the notion, that physical sufferings

[a] Life, vol. ii. 244.

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and privations are keenly felt in a great and sudden reverse, is vulgar and unfounded. When thought of at all by those who have fallen from the utmost heights, they are felt only as the accessaries and signs of a reverse of fortune, not as evils in themselves.

First flight of James.

The King promised to follow his wife and son in twenty-four hours—not, it has been said on behalf of the Queen, because she advised, or desired his leaving the kingdom, but because she made it a condition that he should follow her, unless he allowed her to remain and share his fortunes.[a] From the moment of his receiving the answer of the Prince of Orange, he appears to have been impatient to quit the field, leaving behind him the sceptre of three kingdoms, to be taken up by one still more impatient to grasp it. Other circumstances added to his anxieties and fears. From treachery or oversight, a suspension of arms appears not to have been proposed or thought of by the King's commissioners. The Prince of Orange continued his march direct upon the capital. The King's troops, upon a false alarm of the advance of the Dutch, were ordered to fall back from Reading upon Maidenhead. The error being discovered, they were ordered to resume their posts next day. Meanwhile the inhabitants of Reading sent notice to the Prince's advanced posts, with the request that a detachment should be ordered forward to occupy their town. The King's troops arrived first. Colonel Lanier posted a party of Irish dragoons to defend the bridge against the Dutch, who were advancing, and ordered a Scotch regiment of horse to draw up in the market-place: he at the same time sent to Lord Feversham for a reinforcement. The Irish dragoons, having once discharged their carbines, wheeled round and fled; the Scotch followed their example. The Irish said, in their justification, that while they defended the bridge against the Dutch, they were fired upon by the inhabitants from the houses. This again was denied by the inhabitants. But they who invited the King's ene-

[a] Life, &c. vol. ii. 245.

mies would not scruple to fire upon the King's troops from under cover. The Scotch and Irish, in their flight, were met by the General-in-chief, Lord Feversham, coming up with a reinforcement. Instead of rallying them, he covered their retreat to Maidenhead. The conduct of the King's troops, if their enemies have written truth of them, was here still more ignominious than at Reading. The inhabitants, it is said, beat a Dutch march during the night as an artifice to get rid of them, and the experiment was so successful that his Majesty's forces fled without their cannon. It is difficult to reconcile this ridiculous incident with the most ordinary military precautions in what may be called a hostile post, and in momentary expectation of the enemy. The desertion of Douglas's regiment of Scotch cavalry disappointed and grieved the King. It was one of the regiments upon whose fidelity he particularly relied.[a] A man of more shrewdness and sagacity than James would have been deceived by the same perfidious arts; firmer nerves than his would have given way under his disappointments. He was no sooner informed, by a French messenger from Lauzun, that his wife and son were under sail, with a fair wind, than he prepared with the utmost secrecy for his own flight.

It is stated that on the 10th he summoned a council of the peers upon whose advice he had treated with the Prince of Orange; and, addressing himself to the old Earl of Bedford, said, "My lord, you are a good man, and have great influence: you can do much for me at this time." The Earl is said to have replied, "I am an old man, and can do but little;" and to have added, with a sigh, "I had once a son that could now be very serviceable to your Majesty."[b] The King is represented as struck dumb and pale by this bitter reminiscence, and the situation in which he stood. There are few scenes in history or fiction so morally dramatic. The answer assigned to the father of Lord

[a] Bar. au Roi. Dal. App.

[b] It is scarcely necessary to say that the son alluded to is supposed to have been sacrificed in the preceding reign to the vengeance of James Duke of York.

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Russell would seem the retribution of Heaven in its justice upon a tyrant who had shed patriot blood. But, unfortunately, there is no good evidence that a council was held on that day; and the Earl of Bedford, sinking under his years and sorrows, had retired from public affairs. The statement, that, to divert suspicion from his intended departure, on the night of the 10th the King summoned an extraordinary council, to meet on the morning of the 11th, is more probable, and better attested.[a] It is said that, with the same view, he declared publicly his intention to return to the head of his army, and that his guards had orders to meet him at Uxbridge.[b] The intrigue of Lord Halifax had put him in such fear for his life, that he concealed, with the utmost jealousy, the very movement which his enemies most desired he should make.

All can be wise and brave after the event. The fears of James for his personal safety should be estimated with a reference to his actual position. His life may be imagined in peril from two quarters: those who had invited or adhered to the Prince of Orange, and that Prince himself. If it became a question with the former whether they should be prosecuted in the King's name under the 25th of Edward III., or the King should be prosecuted in the name of the nation, according to the precedent made in the case of his father, it can hardly be supposed that even the Bishop of London would not have found reasons for preferring the alternative. If the existence of James presented itself as a bar to the ambition of the Prince of Orange, can it be supposed for a moment that the most aspiring of politicians and most phlegmatic of Dutchmen would have seen, in his wife's father, any thing but a political unit of human life? The Princess of Orange, indeed, is said to have obtained from her husband, when setting out upon his expedition, a promise that he would respect the life of her father. This promise might easily be evaded,—it may even never have been given or asked; and the daughter of James, in writing to her husband respecting the fate of her unfortunate father, after the battle of the Boyne, could find no kinder or more

[a] Reresby's Memoirs.

[b] Life of King William.

filial designation for him than that of "the late king."[a] A man in James's position, who was both prudent and brave, would, like him, have seen his danger; but, unlike him, would have faced it. It is mentioned, as a proof of the violence of his distrusts and fears, that he concealed his purpose from Lord Dover, a Catholic[b]; but Lord Dover, by his want of success or of fidelity in the affair of carrying the Prince of Wales to France, had lost his confidence. Lord Mulgrave came into the King's apartment just as he was stepping into bed. The King, who, according to the chamberlain, would not trust so sound a Protestant, whispered him that "he had a very hopeful account of some good accommodation with the Prince of Orange." Lord Mulgrave asked, in reply, whether the Prince's army halted or advanced. The King owned they still marched on: upon which the chamberlain, by his own account, shook his head with a dejected countenance.[c] All this may be true; but the courtiers were now as eager to repudiate, as they had hitherto been to obtain, the confidence of the King.

On the morning of the 11th, the King's antechamber was crowded with lords and gentlemen, waiting to attend his levee. The Duke of Northumberland, lord in waiting, opened the door at the usual hour, and the company rushed in. To their astonishment and consternation, the King's chamber was empty. He had gone away, by a private passage, at one o'clock in the morning, leaving orders with the Duke not to open his door before the usual time. The Duke of Northumberland was more a Protestant than the lord chamberlain[d]; and his brother, the Duke of Grafton, had deserted: yet James trusted him. It is the only instance in which his confidence was not betrayed by his own kindred. His orders were obeyed, and his secret kept. It can hardly be charged upon the Duke of Northumberland as desertion that, in the course of that very day, he tendered his services to the Prince of Orange.

[a] Letter of the Queen to King William, Dal. App. [b] Life of King William.

[c] Sheffield, Duke of Buckingham. Account of the Rev.

[d] Mulgrave pretended to be a secret convert to the King's religion. He openly professes deism in his works.

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The King, to embarrass his enemy, while he abandoned the field, cancelled the patents for the new sheriffs[a], with the writs issued for calling a parliament, and took away the great seal. He vainly imagined that there was some inherent power, not only in his person, but in the mere symbol of his will. Kings seldom reflect that their great seals are but so much wax, and their persons but ciphers, when no longer supported by the will of a nation or by hireling force. He addressed, at the same time, a letter to Lord Feversham, announcing his departure from the kingdom; declaring that, if he could have relied on his troops, he would have had "at least one blow for it;" reminding that lord that he and the other general officers had told him it was nowise advisable that he should venture himself at the head of the army; thanking all those who had remained faithful to him; informing them that he no longer expected they should expose themselves by resisting a foreign army and poisoned nation; and expressing his hope that, till better times, they would persevere in their fidelity. The letter was read at the head of about 4000 men, whom Lord Feversham had under his command at Uxbridge, and is said to have been heard by them with tears.

Two courses were open to Lord Feversham,—to disband the King's troops, or bring them over to the Prince of Orange. Having submitted the King's letter to a council of war, he adopted the former, and provoked the displeasure of the Prince by so rare and mischievous an example of military honour. He addressed a letter to the Prince of Orange, stating his having disbanded the troops by the King's command. The Prince took no other notice of this letter than observing to those about him that he was not to be so dealt with. It may be said that Lord Feversham should have disarmed as well as disbanded them; and this is the only offence with which he is chargeable. He may have thought to serve King James, and embarrass the Prince of Orange; or he may have thought it, as it would have been, inhuman to dismiss, not only without means to sustain, but without arms to defend, their

[a] Lutt. Diary.

lives, men who were odious, — some for their religion, others for their country, and all for their fidelity,—in what may be called an enemy's country. Again, is it likely that the officers and men would surrender their arms, and for the use of the Prince of Orange? The troops might complain of being dismissed, without pay or provision for their subsistence,—the people of having armed, destitute, and ungoverned men let loose upon them; but the Prince had as yet no right to command obedience, and threaten the penal justice of the realm. It is true, the nation allowed itself to be disposed of by a handful of foreigners; but even conquest did not give him the right to punish Lord Feversham for obeying the orders of one who was still his sovereign by the laws.

Disorders in London.

The report of the King's flight was no sooner spread through London, than the rabble attacked and plundered Catholic chapels, the houses of Catholics, and the residences of Catholic ambassadors. That of the Florentine envoy was sacked and burned. Even the residence of the Spanish minister, Ronquillo, a known friend of the Prince of Orange, was not spared. He, however, received an honourable reparation. Lord Mulgrave, though the King his master was gone, and his staff of chamberlain laid aside, thought it for the honour of the nation to order the ambassador apartments and a table at Whitehall, with great pomp of attendance, and was thanked for this bold exercise of discretion by both the Prince of Orange and the King.[a] The Prince, after his accession, obtained the Spaniard a grant of 17,000*l.* to reimburse his losses, or as a gratification for his share in obtaining the recognition of King William by the whole house of Austria.[b] The chief sufferers were the more opulent Catholics: they had placed their valuable effects for safety under the protection of the foreign ministers. The residence of the Spanish minister would have been respected, if it were not known to the mob that the plate of the royal chapel was deposited there.[c] Van Citters, in his correspond-

[a] Sheffield, D. of Buck. Account of the Rev.
[b] Id. ibid.
[c] MS. Mem. cited in Life, &c.

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ence with the States, alleges another motive. Don Pedro Ronquillo, he says, was obnoxious to the populace from his being in debt to every body and paying nobody.[a] The French and Venetian ministers were protected by a military guard.

No blood appears to have been shed, though the rioters professed to be actuated by religious zeal. The reason may be, that they were really instigated by the milder love of plunder. Several persons, variously obnoxious for their virtues, their religion, their subserviency to the court, or their crimes, were seized by the populace and dragged before magistrates. Among them were William Penn, Judge Jenner, Graham and Burton, court lawyers, the Catholic bishops Leyburn and Gifford, the Jesuit Fulton, and the convert Doctor Obadiah Walker. Lord Melford, as well as Father Petre, had already reached France, and Lord Sunderland was seized at Rotterdam, disguised in woman's clothes. Of those obnoxious for their crimes, Jeffreys alone fell into the hands of the rabble. The rest had either concealed themselves, or atoned, like Kirk, for their guilty services to James, by betraying and deserting him. The inhuman Jeffreys was seized in the disguise of a sailor, with his eyebrows shaved, at Wapping. A scrivener, whom he had once made feel the terrors of his power and his visage, recognised him in his disguise whilst looking out of a window, according to some, whilst drinking in a public house, according to others. Jeffreys cried piteously for mercy; and though frightened and maltreated, obtained more mercy from the rabble than he had ever shown to the innocent from the bench. He was first dragged before the lord mayor, who is said to have died of the shock of beholding him; and then committed to the Tower, where he soon closed his horrid life by drunkenness, or through a chronic disease. Lords Peterborough and Salisbury, converts to the church of Rome, were seized and committed to the Tower. Bills of indictment were found against the latter for the crime of high treason in turning papist. The papal nuncio was discovered

[a] Lett. of Van Cit. Dec. 7.

at Gravesend, escaping in disguise behind the carriage of the minister of Savoy. Lord Winchelsea, with his authority of lord lieutenant of the county, could not rescue him from the mob, and sent notice of his peril to the Spanish ambassador. That minister sent an express to the Prince of Orange, who, being roused from his sleep at midnight, sent back such a passport as enabled the nuncio to depart in the train of the minister of the Duke of Savoy.

Irish Alarm.

One of the most awful and most groundless instances of panic terror on record now took momentary possession of men's imaginations. A cry was raised that the disbanded Irish soldiers were destroying all before them by fire and sword. Drums were beat through the streets of London and Westminster to give notice of the coming enemy. Lights were placed in the windows, the better to descry them; the people in each quarter imagined the next in flames or streaming with blood. The ringing of bells carried the news with telegraphic rapidity to the furthest corners of Great Britain. The inhabitants of each town or village imagined the Irish burning the houses and cutting the throats of their next neighbours. Pregnant women were frightened to premature childbirth; aged and infirm persons died of terror; the Protestants every where stood armed upon their guard, and resolved upon the first sign of attack or danger to destroy all Papists and Irish within their reach. Happily no accidental or imaginary circumstance suggested the idea of immediate attack, and the nation escaped a crime which would rank in atrocity, if not in malice, with the massacre of Paris on St. Bartholomew's eve.

It is doubtful even to this day whether the alarm was accidental or contrived; where it began, and on what day it was spread in London. The dates of the 11th, the 12th, and the 13th of December are variously assigned.[a] A MS. private letter of the time assigns the night of the 12th.[b] Its source is equally mysterious: the most common account is, that it began at Westminster with

[a] By Oldmixon, Eachard, Life of King William, Hist. of Deser., and Kennet.
[b] Sawyers News letters, &c.

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some peasants, who had just come in from the country. The accidental firing of a cottage by half a dozen starving Irish soldiers in a fray with some country people is mentioned as its origin. According to others, it originated in the cabinet of the Prince of Orange; and the peasants who brought it to Westminster were sent by Marshal Schomberg, with the purpose of exciting an alarm of danger, rendering James, his religion, and his adherents still more odious, and thus preparing for the more popular reception of the Prince.[a] Finally, the notorious Speke, who appropriated the spurious declaration in the name of the Prince of Orange, had the hardihood to claim also the nefarious authorship of this rumour.[b] The claim made by Speke proves nothing more than his own infamy. Political rancour and zeal for the unfortunate king naturally charged an odious contrivance upon the Prince of Orange, and contemporary calumny has been echoed without scruple by Jacobites in succeeding times. There appears not the slightest ground for this particular imputation upon the Marshal and the Prince; and the probability is that the rumour was purely accidental. Two circumstances have been relied on as proofs that it was premeditated; the inadequacy of the accidental cause assigned, — that is, the burning of a cottage, — and the astonishing rapidity with which it travelled over the island. But the lightest cause will agitate masses of men where their minds are predisposed and their passions excited, and the popular imagination would circulate its chimeras with a velocity far exceeding all systematic contrivance.

Assembly of Peers in the city.

This crisis of the Revolution is instructive when contemplated from the present day. There cannot be a better standard of the advance of popular intelligence and independence. There was then, even in the capital, no public spirit, no democracy, no people, no magistracy, worthy or conscious of its mission. All power was divided between the aristocracy and the rabble. When upon the King's flight the populace began the work of

[a] Sheffield D. of Buck., Account of the Revolution

[b] See Hist. of Rev. in Som. Tr. vol. xi.

plunder and devastation, the citizens and their magistrates were alike supine. No association was formed, no meeting was held, no individual, either in a private or magisterial capacity, stood forward to rally the industrious and orderly classes for self-protection, upon the sudden dissolution of the government and of society itself. It is easy to imagine what would now take place in London upon a similar emergency. A municipal government would start up in perfect vigour before an hour's lapse. It was not so in 1688. The city might have been fired and pillaged, if the lords spiritual and temporal had not stepped into the breach and restored order. They met at Guildhall, with the intention of consulting with the lord mayor and other magistrates. Finding these unequal to the emergency and to their station, this extraordinary council commanded instead of consulting them. By a still more resolute assumption of power it sent off orders to the army and to the fleet, and its commands in every instance produced submission and peace.[a] The Tower was in possession of Skelton, appointed governor by the King. He was invited to attend at Guildhall, and upon his compliance with this artful manœuvre was deprived of his command. The lieutenancy was given to Lord Lucas, who happened to be quartered there with his company. To remove the fears and complete the security of the citizens, the council took the further precaution of disarming all Papists, and issuing warrants to apprehend all popish priests and Jesuits within the limits of London and Westminster. But the most important and memorable act of this self-constituted government was a declaration, by which, without verifying or inquiring into facts or motives, it virtually renounced King James, and applied to the Prince of Orange. In this declaration the lords and bishops impute the King's departure to popish counsels, and unanimously resolve to resort to the Prince; who, they say, "out of pure kindness incurred vast expense and much hazard to his person, in order to rescue them from popery and slavery." It will be remembered, that Lords

[a] Sheffield D. of Buck., Account of the Rev.

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Godolphin and Halifax, and not the Papists, were the chief authors of the King's flight. The Prince, it may be added, took care to reimburse his vast expense by the payment of principal and interest to the Dutch; and the crown of three kingdoms was well worth the personal hazards of one of the most contemptible of campaigns. The declaration, though unanimous, was not carried without warm debates.[a] Archbishop Sancroft was present, and signed it, but absented himself from all the subsequent meetings which were held at Whitehall.

Progress of the Prince.

The Prince meanwhile was at Henley, receiving addresses, and issuing his decrees. No doubt was entertained that the King was by this time withdrawn beyond the realm. "In the Prince of Orange's army," says Sheffield Duke of Buckingham, "the nation was looked on as their own." The Prince himself assumed the tone and powers of the supreme chief of the state. The declaration of the council of peers at Guildhall was forwarded to him by a deputation of four of its members, Earl Pembroke, Viscount Weymouth, Lord Culpepper, and the Bishop of Ely. This was followed by a fulsome address from the city of London, returning the deepest thanks of the citizens to the Divine Majesty for his miraculous success, and humbly beseeching him to vouchsafe to repair to their capital city. The adhesions of courtiers, military officers, and country gentlemen crowded upon him. The highways were thronged with persons coming to tender their services and solicit his commands. On the 13th of December, before the manifesto of the council of peers at Guildhall had yet reached him, he issued the following sovereign order "from his court at Henley," under the name and disguise of a declaration:—

"Whereas we are informed, that divers regiments, troops, and companies have been encouraged to disperse themselves in an unusual and unwarrantable manner, whereby the public peace is very much disturbed; we have thought fit hereby to require all colonels and commanders-in-chief of such regiments, troops, and

[a] D'Oyley's Life of Sancroft.

companies, by beat of drum, or otherwise, to call together the several officers and soldiers belonging to their respective regiments, troops, and companies, in such places as they shall find most convenient for their rendezvous, and there to keep them in good order and discipline. And we do likewise direct and require all such officers and soldiers forthwith to repair to such places as shall be appointed for that purpose by the respective colonels and commanders-in-chief, whereof special notice is to be given unto us for our further orders."

The Prince, it will be observed, by describing the disbanded troops as "encouraged to disperse themselves," &c. disputes the authority of the King's orders. It is said that he took umbrage because the lords at Guildhall did not directly invite him to assume the powers of government, instead of proposing as they did to support and co-operate with him. He, however, chose to understand it in the former sense; and Bishop Burnet, to justify him, had the boldness to call it "an invitation to him to come and take the government of the nation into his hands." On the 14th the Prince of Orange moved his court from Henley to Windsor.

James, like all tyrants and most kings, considered the nation as made for his use; he, therefore, did not scruple to leave his people in a state of anarchy, with the selfish purpose of embarrassing his rival, and deriving advantage from public confusion. There were now two self-constituted provisional governments; the lords at Whitehall, and the Prince of Orange, with his conclave of lords and gentlemen, at Windsor. They acted without subordination, concert, or collision. An unexpected incident soon interfered with their functions, and gave a new turn to their proceedings. News came that the King was still in England, a prisoner in the hands of the rabble of a small fishing town within a short distance of his capital.

CHAP. XVII.

THE KING SEIZED AT FEVERSHAM. — HIS RETURN TO WHITEHALL. — THE DUTCH TROOPS MARCH UPON THE CAPITAL. — SECOND AND FINAL DEPARTURE OF THE KING. — ENTRY OF THE PRINCE OF ORANGE INTO LONDON. — THE PEERS SUMMONED BY HIM. — RECEPTION AND CONDUCT OF JAMES II. IN FRANCE.

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The King seized at Feversham.

THERE are various narratives, by professed eye-witnesses and others, of the first flight of James II., his detention at Feversham, and his return to Whitehall in momentary triumph. His own account of his adventures, from his first flight to his final escape, is circumstantial, and may be regarded as authentic.[a] It exists in MS. in the French archives, as given with his own hand to the community of nuns founded at Chaillot, near Paris, by Queen Henrietta, his mother.[b] There is in his narrative little bitterness, and no apparent exaggeration. He rather understates, as compared with other accounts, the outrages offered to him, and negatives by implication the theatric recognitions of his person, the sudden transitions from gross ribaldry to genuflexions and tears, and the royal munificence with which he has been represented to have allowed the plunderers to retain 400 guineas, of which they had robbed him, demanding only the restitution of his jewels.

The King chose Sir Edward Hales for the companion of his flight. They left Whitehall at one in the morning of Tuesday, the 11th of December (O. S.), and crossed in a small boat from Privy Gardens to Vauxhall, as the Queen had done. The King,

[a] See Appendix.

[b] It appears to be an extract from the King's MS. Memoirs, translated into French for the use of his nuns. There is a copy among the papers of the late Sir J. Mackintosh. Nearly the whole of the same passage is cited by the compiler of the Life of James II.

whilst crossing over, threw the great seal into the Thames.[a] Sheldon, one of the King's equerries, having provided relays of horses, they reached Feversham about ten in the morning, and embarked in a custom-house hoy, which Sir Edward Hales had hired to take them to France. The King, Hales, and Sheldon, went on board; the wind was fair, but it blew so strong a gale that the master of the vessel would not venture to sea without more ballast. The King, himself a good seaman, agreed with the master, and they ran ashore, for the purpose of taking in ballast, at the western end of Sheppy, intending to get under weigh at half flood. The commander of the hoy all this time knew not whom he had on board. About eleven at night the vessel was afloat once more and about to sail away, when a band of between fifty and sixty armed freebooters approached them in three Feversham fishing-boats. All Protestants were licensed to chase priests and Papists as their proper prey by sea and land. It was taken up as a sort of trade, especially by the fishermen on the river, and in the ports opposite to France. A Feversham party of this description boarded the King's hoy; their captain, named Ames, jumped into the cabin and seized the King, with his two companions, as suspected Papists. Sir Edward Hales put fifty guineas into his hand, and whispered him that he should have a hundred more if he procured them an opportunity to escape. He took the money, promised to do what was required of him, said he should go ashore for the purpose; and, when leaving the vessel, advised them to give him their money and other valuable effects, as his comrades were persons very capable of rifling them whilst he was away. They accordingly gave him their money and watches. He failed to come back, and his comrades justified his opinion of them. A party of them rushed into the cabin, said that their prisoners had not given all to the captain, insisted on searching, and did search them, especially, according to the account of an eye-witness, the unfortunate King, with the utmost

[a] It was found by a waterman soon after the Revolution.

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rudeness and ribaldry.[a] One called him "a hatchet-faced Jesuit," and another said he knew him by his lank jaws to be Father Petre. The King had concealed about his person the Queen's diamond bodkin and his coronation ring. This valuable prize escaped them. With all their insolence and rapacity they made but a careless search, and were so ignorant that they returned the King a pair of diamond buckles, supposing them to be glass.

The captain did not return until broad daylight on the morning of the 13th, and then not to contrive their escape, but to take them before a magistrate. Sir Edward Hales was now recognised for the first time, but the King was still unknown. A hackney-coach having been brought to the water-side, they were conveyed in it to an inn. The King states that, finding he was known, notwithstanding his plain coat and black wig, soon after he arrived at the inn, he took no further trouble to conceal himself. But his state of mind may be presumed to have been such, as to render him incapable of recording, or remembering with exactness, his own demeanour, or what was passing around him. According to the letter before cited, he tried every art to conceal himself: he called for the commonest refreshments, to give the idea of his being but a common man; but he soon found that he was known, and was terrified to distraction by the rude clamour of the populace. Having obtained pen, ink, and paper, he wrote, tore, wrote again; and at last addressed a note to Lord Winchelsea, the *lord-lieutenant* of the county. The writer of the letter professes to have had a conversation with him on his arrival at the inn. According to him the King complained of groundless fears and jealousies, and of "the ill offices done him by the black coats;" insisted on the honesty of his intentions, the purity of his conscience, his readiness to suffer and die; declared that he read and found comfort in the Scriptures; that he never meant to oppress conscience or destroy the subject's liberty; and asked the person whom he addressed,

[a] Private letter in Tindall's continuation of Rapin

what errors he had committed — what he had done to bring him to his actual situation. He next charged the Prince of Orange with seeking not only his crown but his life, and entreated "every churchman and layman in the room" to get him a boat and let him escape, or "his blood would be upon their heads." The populace became still more outrageous, from the fear of his prevailing with those about him to procure his escape. He then tried to obtain his liberty from the rabble themselves, by addressing them at one moment in a tone of abject entreaty, the next moment in the language of reproach and authority as their King. During three hours, he went through a melancholy round of remonstrating, threatening, promising, and imploring, in all the infirmity of distress and fear, and was at last treated by the very populace with such familiar scorn, that some of the more respectable persons present requested Sir Edward Hales to divert him from a course of language and demeanour which exposed him to contempt. Lord Winchelsea came in haste, and had some difficulty to prevail on the multitude to permit the King's removal from the inn to a private house. He was conducted or dragged on foot, through the dirty streets of Feversham, with the rabble shouting in his ears and pressing upon his person. On his arrival, he at one moment wept; the next he was cheerful; he talked of the virtues of St. Winifred's Well, and of his having lost a piece of the wood of the true cross, which had belonged to Edward the Confessor. His mind was evidently broken down.[a]

Next morning, two captains of militia, named Dixwell and Oxendon, came with their respective companies, not to release him from the hands of the populace, but to recommend themselves to the Prince of Orange by securing his person. The fishermen, who constituted the greater part of his rabble guard, confined him

[a] "She (a great court lady) further imparted to me, that the King was so terribly possessed of his danger, and so deeply affected when the Princess Anne went away, that it disordered him in his understanding, but that he recovered pretty well on his return." Reresby's Memoirs.

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with still more rigour, and made his apartment their guard-room. None approached him but with their permission, and unarmed.

After an unaccountable lapse of time, the news of his situation reached the two provisional governments. The militia captains sent a lawyer, named Nappleton, to acquaint the Prince of Orange with the service which they were rendering him, and to receive his commands. He was referred to Dr. Burnet, on his arrival at Windsor, late in the night. "Why," said the Doctor, with much displeasure, "did you not let him go?" Nappleton replied, "Would you have him torn in pieces by the mob?" The Prince was in bed. Bentinck awoke him; "and Zuylistein," says Bishop Burnet, "was ordered by the Prince to go immediately to Feversham, and to see the King safe and at full liberty to go whithersoever he pleased." It will presently appear that Zuylistein was not sent, as stated by the Bishop; and that the Prince of Orange was disturbed in his sleep to no purpose.

The King, at the same time, contrived to send the news of his distress to London. His messenger, a poor countryman, came to Whitehall, and waited long at the council-chamber door before any person would attend to him.[a] Halifax was president of the council of peers which sat there. Upon learning the arrival of a letter from the King, announcing his detention, that lord is accused of instantly adjourning the meeting.[b] But Mulgrave being also secretly informed, implored the lords to resume their seats for a moment, and hear a communication of the last importance, admitting of no delay. The want of time to concert an evasion, joined with a sense of shame, made them hear what he had to say, and call in the messenger. The poor countryman delivered a letter, without address, which James charged him to give to any persons who would come forward to save him, and described, with tears, the wretched situation of the King. The letter merely acquainted the reader with his captivity in the hands of an insolent rabble at Feversham. Mulgrave impressed upon the lords the

[a] Sheffield D. of Buck., Account of the Revolution.

[b] Id. ibid.

barbarity of conniving at the rabble's tearing in pieces one who, with all his popery, was still their sovereign. They ordered Lord Feversham, with 200 of the guards, to rescue him and to protect his retreat, if he persisted in his resolution. Such is, in substance, the version of what passed at the council given by Lord Mulgrave, who was himself a chief actor in the scene. According to other accounts, the council deputed Lords Feversham, Aylesbury, Yarmouth, and Middleton, to invite him back.[a] "It was," says Burnet, "left to his (the King's) general, the Earl of Feversham, to do what he thought best, so he went for him with his coaches and guards." The compiler from the King's MS. Memoirs says expressly, that "they (the lords sitting at Whitehall) thought fit to request his Majesty to return."[b] The King, in his account, is less explicit. The rumour of his detention, he says, brought to Feversham several of his immediate servants, and of the military officers who remained faithful to him. Some of the latter brought him word that Lord Feversham was coming with a detachment of the guards and horse grenadiers, to rescue him from the populace and escort him to London, "whither," says the King, "his Majesty's friends desired that he should come."

On Saturday morning, the 15th of December, Lord Feversham arrived, and informed the King that he had left his detachment at Sittingbourne. The troops remained behind to prevent a collision with the armed mob of fishermen, who had sworn vengeance against the guards, Lord Feversham, and other persons whom they disliked, if they should present themselves.[c] It is stated by the compiler from the Memoirs, that Lord Middleton joined the King upon the news of his captivity. The most probable inference from both the variances and coincidences in these several versions seems to be, that the council at

[a] Hist. of Deser. Life of K. William. Echard, Kennet, Reresby.
[b] Life, &c. vol. ii. 260.
[c] Letter before cited.

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Whitehall sent Lord Feversham and his detachment to rescue the King, and protect him, in the exercise of his own discretion, to depart or return; and that the other lords went not as deputies, but as individual volunteers, to advise his coming back. Lord Winchelsea, it is said, had already convinced him of the prudence of returning to London, calling round him his friends, and negotiating with the Prince of Orange.[a]

The King, however advised or influenced, left Feversham for London on the morning of the 15th. The Kentish gentlemen, who thought to make their base court to the Prince of Orange by securing him, now trembled at the vengeance of their sovereign.[b] They escaped punishment, but were disappointed of their expected reward. Even Nappleton, their messenger, who appears, by the way, to have executed his mission in a spirit of generous humanity, was ever after regarded with an evil eye for his share in the embarrassment produced to the actual ruler and future king by the momentary re-appearance of King James.[c]

Return of the King to Whitehall.

The great object of the freebooters of Feversham, next to plunder, appears to have been that the King should not leave England. They thought their own lives compromised if they allowed his escape after they had once seized him.[d] Being assured on this point, they consented to yield him up to the two captains of militia, who in their turn were relieved at Sittingbourne by the detachment of guards. The King, having arrived at Rochester, sent forward Lord Feversham with a credential letter to the Prince of Orange, proposing an interview in London on the following Monday, to settle, as he expressed it, the distractions of the nation, and inviting his Highness to occupy the Palace of St. James's. Lord Feversham had orders to execute his commission so expeditiously as to meet the King at Whitehall on the following day. The King next morning continued his journey to town, passed through the city, and, to his surprise, was received with every

[a] Ralph, vol. ii. 1068.
[b] French MS. account by K. James. See App.
[c] Kennet.
[d] Letter in Tindall.

demonstration of popular enthusiasm. Crowds of people and acclamations of joy, it has been said, attended upon him to his very bedchamber at Whitehall. That he was received with popular shouts is proved by many concurrent testimonies. There is nothing extraordinary in the fact. It may have been a compassionate re-action in favour of a criminal but ill-fated fallen king. The popular humour is variable to a proverb; and the rabble, —a monster with many heads,—has also many voices.

Whitehall was never more crowded than on the return of James. His household officers and domestics resumed their badges of service and their duties; his apartments were filled with courtiers impatient to do him homage. "Even the Papists," says Bishop Burnet, "crept out of their lurking holes, and appeared at court with much assurance."[a] The palace, according to others, was crowded with priests, Jesuits, and Irishmen.[b] It was, doubtless, a very criminal assurance in these proscribed castes to think they might breathe the air of the court and of freedom, and very presumptuous in the disbanded Irish officers to tender their service and their swords once more to their lawful sovereign. But the assertion seems exaggerated, if not groundless. A priest indeed is said to have imperiously required the chamberlain, Lord Mulgrave, to refit his apartments in the palace.[c] Neither this assertion nor the general allegation which it is meant to illustrate, receive the slightest countenance from the chamberlain himself[d]; and no one priest, Papist, or Irishman, is named. The unhappy spirit of Protestant bigotry, contumely, and calumny, with which the Catholics are treated in the contemporary and subsequent histories of the Revolution, can hardly be perused by liberal Protestants at the present day without a compound feeling of pity and disgust. It was made a crime in the King himself that "he began to take heart."[e] His discharging from Newgate and from the warrant of the rabble

[a] Bur. vol. iii. p. 353.
[b] Hist. of Deser.
[c] Hist. of Deser. Echard, Oldmixon, &c.
[d] Sheffield D. of Buck., Account of the Revolution.
[e] Bur. vol. iii. p. 353.

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the popish Bishop Leyburn, whose only crime was his popery and priesthood, has been urged as decisive proof of his inveterate purpose to force popery upon the consciences of his Protestant subjects.

It seems, however, that the shouts of the populace, and the homage of the courtiers, both equally treacherous, raised the spirits of the King, and made him rebuke those of his friends who had sat in the Whitehall council of government.[a] But his courage and his hopes soon vanished. He was not long at Whitehall, when, instead of being met as he expected by Lord Feversham, Count Zuylistein came to him with a letter from the Prince of Orange. The Prince acknowledged the receipt of the King's letter brought by Lord Feversham; said the contents and the verbal propositions brought by that lord were of too much consequence to be then replied to; and expressed his desire that the King should remain at Rochester. The King answered, with all humility, that if he had received the Prince's message at Rochester he would have remained there; but, as it had happened otherwise, he hoped the Prince would come next day to St. James's, in order that they might confer together on the subject of his communication through Lord Feversham. Zuylistein replied, that he was well assured the Prince would not come to London until the King's troops were all withdrawn; and the King "seeing," says the compiler of the life, "that the Prince's messages now assumed the air of commands, not of requests," placed his answer to the Prince's letter in the hands of Zuylistein. But Zuylistein had no sooner left the King's presence than the Count de Roye came in to say, that Lord Feversham, upon presenting the King's letter, was imprisoned at Windsor Castle by the Prince of Orange. The King immediately ordered Zuylistein to be called back; expressed to him the surprise with which he learned that Lord Feversham, a public envoy, had been imprisoned, in violation of the law and practice of nations; and said he hoped the Prince, out of consideration for

[a] Sheffield D. of Buck., Account of the Revolution.

him, as well as respect for public faith, would release his minister. The Prince of Orange neither released Lord Feversham, nor took any other notice of the letter of the King.

It should be observed here, that no step was really taken by the Prince of Orange upon the communication made by Nappleton of the King's detention at Feversham and the peril of his life; that Count Zuylistein was not sent until Lord Feversham had arrived with the King's letter at Windsor; and that the transaction seriously compromises the credit of Bishop Burnet and the humanity of William III. According to all the historians of the Revolution Zuylistein lost his way, and thus missed the King. One account states that he overtook the King at Somerset House.[a] But it seems much more probable, that Zuylistein, instead of losing his way, had come direct from Windsor, when he met the King in the Strand. Lord Feversham must have travelled all Saturday night to reach Windsor from Rochester on Sunday morning. Zuylistein, therefore, who did not leave Windsor until the King's letter and Lord Feversham had arrived there, instead of losing his way in Kent, had barely time to meet the King on his arrival on Sunday in the capital. As to the imprisonment of Lord Feversham, his coming without a pass is a weak pretence. He was accredited by the King: his real crime was his obeying the King's order, by disbanding the army without asking leave of the Prince of Orange, and his share in the embarrassing return of his unfortunate master. This imprisonment was not a simple exercise of the right of conquest: it was tyrannical.

The scene at Whitehall soon began to shift: the King dates the change from the arrival of Zuylistein.[b] Confiding in the applause which had greeted him on his passage through the city, he sent a message to two aldermen, Sir T. Stamps and Sir S. Lewis,

[a] "Gr. Br. Just Complaint," by Sir J. Montgomery.

[b] "Mais le Roi n'y fut pas long-temps sans voir changer la scène; car incontinent aprez son arrivée M. de Zuylistein lui apporta une lettre du Prince d'Orange." See App.

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offering to place himself in the hands of the aldermen and common council, until he should have given satisfaction and security to his people for their religion and liberties in a free parliament, upon their guaranteeing on their part the safety of his person. His proposal was rejected through the influence of Alderman Clayton, on the ground that the city could not give the guarantee required.[a] The King summoned a privy council in the evening: only eight members attended it; these were the Duke of Hamilton, Lords Craven, Berkeley, Middleton, Preston, and Godolphin, Trevor (Master of the Rolls), and Titus. The only result was a proclamation for suppressing tumultuary outrages. It appeared in the Gazette, and was King James's last act of sovereignty in England. Thus, it has been said, the last breath of James's expiring power was given to popery and papists. It should be added that he protected them only from violence and plunder. But his protection was vain: his authority began to be despised. The officers of the exchequer would not honour his draughts unless countersigned by the Prince of Orange. Lord Bellasis, as already stated, refused to lend him a thousand pounds[b], and he was reduced to the humiliation of borrowing a hundred guineas of Lord Godolphin, for among other purposes that of touching for the King's evil![c] It may be said, that the man who would employ time and money for so foolish a purpose was unfit to rule a nation. But reigning princes are not selected for their wisdom or their virtues, or selected at all. James II. was really one of the less despicable princes of his time, and the mass of the people in all countries were as low in the scale of reason and knowledge as their sovereigns.

Windsor Castle, meanwhile, was the scene of fear and ferment. The shouts of joy and show of welcome which attended the King startled his enemies.[d] The Prince of Orange, astonished by the sudden change, and alarmed by the inconstant genius of the English

[a] "Gr. Br. Just Complaint." Life of K. James, vol. ii. 271. [b] Hal. MS.
[c] State Tracts, vol. i. Reign Will. III. [d] Sheffield D. of Buck., Account of the Rev.

people[a], desired the advice of the principal persons around him[b]. Harsh and violent measures were proposed. One proposition was to send the King a prisoner to Breda. Lord Clarendon is accused of having strongly urged his being confined there as a hostage for the safety of the Irish Protestants and submission of Tyrconnel. According to others, that Jacobite lord advised sending King James to the Tower[c]; and "hinted at something further."[d] The Prince of Orange, according to Burnet, allowed that those counsels might be "good and wise," but rejected them from deference to the Princess his wife; and also, because they might have a bad effect upon the parliament. The spirit of party and of religion must surely have made Rapin belie his knowledge of the character of William, when he says that Prince rejected them with indignation. The Prince of Orange preferred holding the King to his avowed purpose of withdrawing from the realm. Burnet's words are so frankly or unwittingly characteristic of a transaction which proved one of the great hinges of the Revolution, that they should be cited:—"It was thought necessary," says he, "to stick to the point of the King's deserting his people, and not to give up that by entering upon any treaty with him;" in other words, it was determined to drive the King by artful menace, and the display of force, into a desertion of his people, and dethrone him for that forced desertion, as for his voluntary act, inspired by the popery of his counsellors and his own. James II., by assuming a power above the laws, assuredly incurred the penalty of forfeiture of the throne, but he should have been unkinged by an ingenuous, just, and national proceeding, upon principles worthy of a nation exercising the most sacred of its rights, and not upon false pretences and by perfidious paltry arts. Tyrants, like other criminals, should be heard before they are judged.

The news of the King's arrival in the capital no sooner reached Windsor than Count Solms was commanded to advance upon

The Dutch troops march upon the capital.

[a] Life of K. James.
[b] Sheffield, D. of Buck. Bur. vol. iii. p. 354.
[c] Conduct of the Duchess of Marl.
[d] Sheffield, D. of Buck.

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London, with the Prince's Dutch guards. His first orders are said to have been to take post that night at Chelsea and Kensington. The result of the deliberations at Windsor was, that he received fresh orders to strike a more decisive and reckless blow at the crown and heart of King James. Towards night the King was informed that Solms was coming to take the posts at Whitehall with the Dutch guards of the Prince of Orange. No previous intimation of this extreme proceeding had been given by the Prince to the unfortunate King. To act upon the King's fears and his imagination was part of the system of tactics settled at Windsor. The King said he could not believe it. He supposed the Dutch troops were come to occupy the posts at St. James's, in pursuance of his invitation to the Prince. Towards eleven at night, when the King was going to bed, Lord Craven, the commanding officer on duty, came to tell him that the Dutch horse and foot were marching through the Park, in order of battle, to take possession of Whitehall. "The stout Earl of Craven," says the Duke of Buckingham, "resolved to be cut in pieces rather than resign his posts at Whitehall to the Prince's guards, but the King prevented that unnecessary bloodshed with a great deal of care and kindness." He sent for Count Solms, told him there must be some mistake, and suggested that his orders applied only to St. James's palace. The Count removed all doubt, by producing his written orders. The King commanded Lord Craven to withdraw his men, bade Count Solms "do his office," and went to bed in his palace, in the heart of his kingdom, the prisoner of a handful of Dutchmen.

This was but the prelude to a scene of darker hue and more profound contrivance. Lord Middleton, who acted as the lord in waiting upon the King, soon entered his bedchamber. He found James so fast asleep, that drawing the curtain did not awake him.[a] It was necessary to speak loud in his ear, upon which he started, but recovering himself, asked Lord Middleton, who was kneeling

at his bed-side, what was the matter. That Lord told him that Lords Shrewsbury, Delamere, and Halifax were come with a message from the Prince of Orange, which they insisted upon communicating immediately, even at that unseasonable hour. The King desired that they should be called in: upon being introduced, they presented to him the following warrant:—

"We desire you, the lord Marquis of Halifax, the Earl of Shrewsbury, and the lord Delamere, to tell the King, that it is thought convenient, for the greater quiet of the city, and the greater safety of his person, that he do remove to Ham, where he shall be attended by his guards, who will be ready to preserve him from any disturbance.

"Given at Windsor, the 17th of December, 1688.

"W. PRINCE OF ORANGE."

Second and final departure of the King.

Lord Halifax added, that the Prince designed to enter London at noon next day, that the King must be ready to set out at nine in the morning; that he might take his own servants; but that the Prince of Orange would provide him with a guard. The King being, he says, absolutely in their power, and without remedy, bowed with submission to this imperious mandate. He merely requested that Ham might be changed for Rochester, the place named already by the Prince, objecting to the house at Ham as ill furnished for a winter residence. It is not improbable that he also thought it too near the Tower. The commissioners undertook to transmit his request, and left him in a state to make not only the King, but the tyrant pitied.

The Prince of Orange had by this time come to Sion House. He readily acceded to a request which forwarded his designs, and his consent was communicated at eight in the morning to the three lords by Bentinck. Lords Halifax, Shrewsbury, and Delamere, were punctual to their appointment, at nine, with the King. His arrangements were already made, without yet knowing what should be his destination. Upon being informed by them that

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he might proceed under a Dutch guard to Rochester, he requested —for he could no longer command—that his carriages, his horses, and the Dutch guards, might go over London Bridge and meet him at Gravesend, whither he should proceed by water in his barge. Lord Halifax objected that the passage of the King's train and guards through the city might move compassion and excite disorder, and preferred their crossing the river by Lambeth ferry. The King replied, that the wind was high, and much time would be lost. "My lord Halifax," says he, "was very unreasonable in his arguing, not to give it a worse name; but my lord Shrewsbury was fair and civil, and agreed to what his Majesty said."[a] Eventually it was arranged, that the King's train should pass by the bridge, and that the King should go down the river in his barge, with the Dutch guards in small boats as his escort. From the King's account in the MSS. of Chaillot, and in the printed extracts from his Memoirs, the hardships of his departure appear to have been exaggerated, and the distress and pathos of the scene heightened. He states in his Memoirs, that the foreign ministers, and several lords and gentlemen who came to take leave of him at the water-side, could not refrain from shedding tears.[b] In the MSS. of Chaillot this is omitted. Among those who attended him in the barge he names lords Arran, Dunbarton, Litchfield, and Aylesbury, Sir John Fenwick, Sir John Talbot, and Colonels Southville and Sutherland, who had thrown up their commissions in the army. A party of the foot guards of the Prince of Orange went in boats before and behind the King's barge. So much time had been lost about the Dutch escort that the tide was lost, and it was seven in the evening before they reached Gravesend. The King slept there that night, strictly guarded, and proceeded to Rochester next morning.

The two politic experiments thus successfully hazarded upon the King demand a moment's pause. First, a foreign and hostile force is marched by surprise, with guns charged and matches lighted[c], to dispossess his guards of their posts, and hold

[a] MS. Mem. cited in Life, &c. [b] Ibid. 267. [c] Rapin.

him prisoner in his palace. Next, and before his nerves had recovered the first shock, his fears are refreshed, and his imagination scared by a warrant brought at midnight while he slept, to remove him from his home and hearth. The chief odium of this black transaction should not fall on the Prince of Orange. The King stood in the way of the Prince, and William would doubtless have thought it a puerile weakness, or still more puerile morality, to let the ties of kindred interfere with a ruling passion and great designs. There is less excuse, or rather no excuse, for the three English noblemen who descended to become his instruments. They should have left a foreign mandate to be delivered to a king of England in bad French by some Dutch minion of the Prince of Orange. James, with all his popery, as the Duke of Buckingham justly observed, was still their King, and he is no true patriot who does not feel that the independence, and honour, and liberty of his country are wounded in the person of its sovereign.

The conduct of Lord Halifax was indescribably base. He went to the Prince of Orange as the commissioner of the King, secretly betrayed his trust, and adding open shame to hidden perfidy, now came back to the King as a commissioner, or something worse, from the Prince. It is stated that William could not help smiling — he who smiled so rarely — at the willingness with which Lord Halifax consented to play so mean a part.[a] He was nominated, it appears, by the Prince, as "an easy trial[b]" of his new faith, and as an expiation of his refusal to join those who invited the deliverer. Perhaps William had already resolved to employ him, and thought the dishonoured peer would be so much the more useful minister.

The King had not yet left Whitehall, when preparations began for the entry of the Prince into London. They seemed the precautions of a victorious invader entering a conquered capital. The Tower was occupied by a regiment of his guards, and the rest

[a] Sheffield Duke of Buckingham. Account of the Revolution. [b] Id. Ibid.

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of the Dutch army was quartered in and near London upon the inhabitants.[a] This was not all. The English guards, and other native soldiers, were ordered away from London to distances not less than twenty miles.[b] Tilbury Fort, which commanded the river, had been occupied for him two days before, upon the first flight of the King. The Duke of Grafton was appointed to execute this service. He had orders to dislodge a party of Irish stationed there for King James. But the Irish had already evacuated the fort upon the King's flight, not, as it is generally stated, without orders, but in pursuance of orders from the lords at Guildhall.[c] Finding themselves abandoned by their sovereign, and placed out of the pale of society and humanity[d], they seized a merchant vessel in the river, endeavoured to escape by it, ran it aground at Gravesend, were attacked from the shore, and, after the loss of some lives on both sides, were disarmed and sent prisoners to the Isle of Wight. The life of the Duke of Grafton, meanwhile, is stated to have been attempted as he rode at the head of his regiment through the Strand—by an Irish trooper, according to some—by an Irish officer, according to others—and this attempt at assassination was put forward as the chief reason for turning King James and his guards out of Whitehall and the capital. How much more likely, it was said, that some of the King's soldiers would attempt the life of the Prince, if both the King and his soldiers were not sent away before the Prince made his entry.[e]

Was the life of the Duke of Grafton really attempted? It is so transmitted in the annals of the Revolution, without a suggestion of doubt; although the flagrant improbability alone might have suggested distrust. Why should an assassin choose one of those moments in which his escape was impossible? Why single out a common-place victim whose death could neither gratify vengeance nor serve a cause? But this attempted assassination, thus con-

[a] Reresby, Mem. [b] Ibid. [c] Lutt. Diary.

[d] *Tanquam aqua et igni interdicti*, are the words of Van Citters, in a dispatch to the States General.

[e] Rapin.

fidently handed down as an undisputed fact, was not only questionable but questioned at the time. According to private and confidential letters of the day written from London by persons evidently well-informed, some asserted that the Duke's life was attempted, but others said that the trooper's horse having become restive brought him into contact with the Duke's soldiers; that without aiming at any person in particular, he drew his pistol upon receiving several blows; that either his pistol missed fire, or he did not even try to discharge it, and that both he and his horse were instantly killed by the soldiers of the Duke.[a] If the unfortunate trooper was innocent of the intention to assassinate, he was also innocent of the crime of being an Irishman. The latter was merely presumed from the former; and continuing the fallacy in what logicians call a vicious circle, his being an Irishman was given back as proof of his being an assassin. To give the double crime of Irishry and assassination an air of importance, some historians have promoted the trooper to an officer. This incident merits notice only as an instance of the want of care or conscience with which imputation is handed down for fact, and obloquy for truth, when it serves a purpose or flatters a prejudice.

Entry of the Prince of Orange into London.

The Prince of Orange having taken possession of London by his troops, entered it in person with a numerous and splendid train of friends and followers, about two o'clock, in an open carriage, with only Marshal Schomberg, a foreign soldier of fortune, his lieutenant-general, seated by his side.[b] The mob, or, as denominated by most writers, the rabble, played its proper part, crowding and shouting round him as round King James.[c] St. James's Palace, in which he took up his residence, was thronged to do him homage, as Whitehall had been to do homage to King James the day before. He rather avoided than courted the shouts and cheers of the populace, disgusted, perhaps, with their versatility. But he had equal reason to be disgusted with the mob of the court. Upon the departure of the King, Whitehall became

[a] Sawyer's News Letters, last six months, 1688.
[b] Lutt. Diary. [c] Sheffield Duke of Buckingham. Rereś. Mem.

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a desert. Those who had flocked to him on his re-appearance rushed to St. James's to make their eager court. It should instruct not surprise the student of the Revolution of 1688, to find among them a man of the reputation of Evelyn. He went to see the King dine in public on the 17th, saw him take barge, under a Dutch guard, for Rochester, on the 18th, proceeded directly from this "sad sight," as he calls it, to St. James's, where he saw the Prince and his "greate court," and has himself ingenuously recorded all this in his Diary.[a] This trait should be viewed as characterising the Revolution and the age, not as degrading Evelyn.

The Archbishop of Canterbury, and several bishops, had waited upon the King immediately on his return to Whitehall.[b] All the bishops in or near London, with the single exception of the Archbishop, waited on the Prince of Orange at St. James's the day after he arrived.[c] On the next day but one, the Bishop of London, with the clergy of his diocese, and a heterodox mixture of some dissenting ministers, waited in a body on the Prince.[d] The presence of the dissenting ministers must have been somewhat unseasonable, if the Bishop, as it is stated, addressed the Prince of Orange on behalf of the Church, and besought for it his Highness's special protection.[e] This must have been understood as meaning the maintenance of the tests. Those of the nonconformist ministers who had not appeared in the train of the Bishop came, after a few days, in a body, about ninety in number, with their congratulations, and met with a gracious reception.[f] But the public body most early and most eager in its congratulations was the city of London; remembering, and justly, the lawless abrogation of its charter by King James. The aldermen and sheriffs went out on horseback to meet the Prince on his way to the capital, and next day the aldermen, deputies,

[a] Vol. i. pp. 619, 620.
[b] Life of Sancroft, 396.
[c] Ibid. 409. Burnet.
[d] "Some Account of the Application of the pious and noble Prelate, Henry, Bishop of London," &c. 6th Coll. State Papers.
[e] Lutt. Diary.
[f] Ralph, 1073.

and common-councilmen, came to congratulate him at St. James's. The Lord Mayor, Sir John Chapman, was at the moment on his death-bed, from the shock of beholding the Lord Chancellor Jeffreys, in a sailor's jacket, with his eye-brows shaved, brought before him as a criminal in the hands of the populace. Sir George Treby, who had been sworn recorder shortly before[a], headed the cavalcade, and addressed the Prince of Orange in a speech worth reference only as a curiosity. Speaking of the Prince's ancestors, he says, "They have long enjoyed a title singular and transcendant, viz. to be *the champions of Almighty God*, sent forth in several ages," &c. Then coming to the Prince himself, he continues, "To this *divine commission* our nobles, our gentry, and, among them, our *brave* English soldiers, rendered themselves and their arms upon your appearing. Great Sir, when we look back to the last month, and contemplate the swiftness and fulness of our present deliverance, astonished, we think it miraculous. Your Highness, led by the hand of Heaven," &c.; but enough of this fustian, which would be profane if it were not too foolish. The lawyers came headed by old Sergeant Maynard, who was then near ninety, and said, according to Bishop Burnet, the liveliest thing which the occasion produced. William, with his accustomed want of wit and grace, could imagine no better compliment to the old sergeant than that of his having outlived all the lawyers of his time; to which he replied, that he would have survived the law itself but for the arrival of his Highness. In this, as in other epigrams, there was more wit than truth. The laconic and characteristic remark of Swift upon it is, "He was an old rogue for all that."[b] Passing over the character of Sergeant Maynard, it might be suggested in rejoinder, that the chief destroyers of the law were the lawyers, its own offspring, by their iniquitous judgments, their corrupt pleadings, and their sycophant petitions.

The 18th (from the Prince's arrival at two o'clock)[c], the 19th, and the 20th, having been passed in public ceremonials, and the

[a] Lutt. Diary.

[b] Note in Burnet, vol. iii. 361.

[c] Lutt. Diary.

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more important business of secret management with persons who had to stipulate terms for the future, and recompense for the past[a], the Prince of Orange summoned the lords spiritual and temporal, to consider the actual state of the nation and the government, on the 21st of December. There was in this proceeding an air of good faith and magnanimity. He was in the position of a conqueror, with the nation at his feet. It has been observed, that the seven lords and gentlemen who signed the invitation stipulated no conditions for their country. The lords who formed themselves into a provisional government at Guildhall, without formally dissolving themselves, met no more after he entered the capital. Undivided and discretionary power was thus unequivocally abandoned to him. Further, the lawyers, especially the Whig Pollexfen[b], advised that he should declare himself king, after the precedent of Henry VII. It will be matter of regret to find that Holt concurred with him.[c] The Prince rejected their counsel, under the better advice of others, his own good sense, and the apprehension that a direct exercise of the right of conquest would not be without danger.

Meeting of Peers.

The lords spiritual and temporal having assembled accordingly at St. James's, were met by the Prince of Orange, and addressed by him in the following speech: —

"My Lords, — I have desired you to meet here, to advise the best manner how to pursue the ends of my declaration in calling a free parliament, for the preservation of the Protestant religion, the restoring the rights and liberties of the kingdom, and settling the same, that they may not be in danger of being again subverted."

Having delivered this speech, the Prince immediately withdrew, leaving the peers to deliberate. They are stated to have been in number between sixty and seventy. Five eminent lawyers — Maynard, Atkins, Holt, Pollexfen, and Bradbury[d] — were ap-

[a] Sheffield Duke of Buckingham. Account of the Revolution.
[b] Speaker Onslow, note in Burnet, vol. iii. 361. [c] Hal. MS.
[d] In most accounts Atkins and Bradbury are called Atkinson and Bradford.

pointed to advise their lordships in matters of law. The appointment of those lawyers is ascribed to the absence of the proper guides in such matters, — the Judges; but the character of many of the latter is more likely to have produced it. By way of preliminary, the lords ordered the reading of the Prince's first declaration, which was followed by a vote of thanks to him for coming over to deliver the three kingdoms. A more trying proposition was next made, — that all present should put their names to the Exeter engagement or association; by which the subscribers bound themselves, before God and man, to each other and to the Prince of Orange. Four temporal peers, and all the prelates present, except the Bishop of London, refused their signatures. The recusant lords temporal were the Duke of Somerset, and Lords Pembroke, Nottingham, and Wharton. The Exeter associators, who had been so tardy in joining the Prince, and whom he suspected and accused of treachery, folly, and cowardice, "engaged to Almighty God and to his Highness," among other things, "that whereas his person was exposed to the desperate and cursed designs of Papists and other bloody men," they would pursue all such, their adherents, and all whom they found in arms against his Highness, "with the utmost severity of just revenge, to their ruin and destruction." The bishops are stated to have objected to the word "revenge," as unchristian; but to have signed it upon the substitution of the word "punishment."[a] This, it is to be hoped, is an error. The sentiment or the deed would still remain the same; and men whose consciences capitulated upon such easy terms as the mere choice of a word, would have no right to reproach Jesuits with equivocation or duplicity. Lords Nottingham and Pembroke are said to have refused, because Finch, the son of the former, and Sir Robert Sawyer, the father-in-law of the latter, were not appointed as counsel to advise the lords. Lord Wharton is stated to have declared, that having signed so many associations which came to

[a] Echard.

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nothing, he was resolved to sign no more.[a] It is certainly more charitable, and may possibly be more just, to suppose that all the peers, spiritual and temporal, who withheld their signatures, were revolted by a denunciation which went to refuse quarter in the field, and hold all Papists responsible for the crime of any single one. Compton, Bishop of London, appears to have been a thorough-going partisan, ready to say or do any thing required of him by his party, his ambition, or his safety. He signed the invitation to the Prince of Orange; and, in the presence of King James, forswore, in the worst form — that of an equivocation — his knowledge and his deed. He was ready to sign any thing, like the libertine, and swear any thing, like the Jew, in the dramatic *chef-d'œuvre* of Sheridan; and for these merits, together with his share in the Princess Anne's desertion of her father, he was named, by way of pre-eminence in his day, "the Protestant Bishop." Finally, the lords came to the resolution of meeting next day in their house at Westminster.

Reception and conduct of James II. in France.

It is now time to return to King James, and dismiss him from the scene. He arrived at Rochester on the morning of the 19th, and lingered until the night of the 22d or morning of the 23d of December, distracted between his promise to the Queen and his own fears on the one side, the advice of his friends, the intelligence which reached him, and some poor remains of reason and resolution on the other. James had resistless evidence, that his withdrawing himself out of the kingdom was the very thing most desired by the Prince of Orange. Arrived at Rochester, he found himself negligently guarded.[b] His friends in London, and among them some of the bishops, tried to dissuade him from leaving the kingdom. Dr. Brady, one of his physicians, came to him with a memorial, containing reasons against his departure.[c] Lord Middleton, who accompanied and adhered to him, strongly urged his remaining. Lord Dartmouth, though he had already received and submitted to the commands of the lords at Guildhall, and

[a] Oldmixon. [b] Chaillot MS. See App. [c] Ibid.

written to the Prince of Orange, yet ventured to assure King James, upon the news of his first flight, that "his fleet would have unanimously defended his sacred person from unhallowed hands." The fact, obvious to himself and admitted by him[a], that by deserting his kingdom, he was playing the game of his enemy, would alone have fixed the resolution of another man: it only made James hesitate. There was in London a re-action in his favour, after the first excitement had subsided, and men began to reflect. Both reason and humanity seemed to take their turn. Bells rang, and bonfires were lighted, on the night of the arrival of the Prince; but thinking men in the city, says Sir John Reresby, considered the King hardly treated. Even Burnet says it was called unnatural, that the King should be roused from his sleep, ordered to leave his palace, and made a prisoner at a moment when he submitted at discretion to the nation and to the Prince. It was remembered as the saying of his father, that the prisons of kings were not far from their graves, and the enterprise of the Prince of Orange was looked on as a disguised and designed usurpation.[b] The aspect of London could hardly fail to strike and shock Englishmen, worthy of the name. The English guards who adorned the royal palaces by the gallantry of their persons and equipments had given way to the slovenly and grotesque blue Dutch guards of the Prince of Orange. "The streets swarmed," says Sir John Reresby, "with ill-favoured and ill-accoutred Dutchmen, and other foreigners of the Prince's army;" the national uniform and standard had disappeared, and the inhabitants soon began to feel it an inconvenience, that their deliverers should be quartered upon their houses.[c]

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But the chief hope of James was from the bishops, and especially from some of those whom he had sent to the Tower. It appears that several prelates were strongly possessed, as their adversaries expressed it, with an unsafe project of accommodation between the King and the Prince. They contemplated reducing

[a] Chaillot MS. [b] Burnet, vol. iii. 359. [c] Lutt. Diary.

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James, by act of parliament, and with his previous consent, to the state of a duke of Venice [a], the prerogatives of peace and war, and the appointment to all offices, civil and ecclesiastical, being vested in the Prince of Orange. The bishops, on the other hand, who adhered to the Prince, were as strongly possessed with the project of construing the flight of James into a cession of the crown. Lloyd, Bishop of St. Asaph, gives, in a private letter found in King William's cabinet, a curious and disreputable account of the failure of his secret mission to sound Turner, Bishop of Ely, obliquely and as from himself. The letter appears to have been addressed to Bentinck, afterwards Earl of Portland, or some other person in the especial confidence of the Prince of Orange.[b] Reasons may easily be imagined for the disinclination of those prelates to set aside King James. The Prince of Orange, on his arrival, is said to have startled the clergy of the Church of England, by the favour which he manifested to the Protestant nonconformists.[c] He soon discovered his mistake, and sided with the stronger party. On Sunday, the 30th of December, having heard Dr. Burnet read prayers, and the above named Bishop of St. Asaph preach, he received the sacrament from the hands of the Bishop of London.[d] It would be ungracious to scrutinise the secret consciences, and it would be tedious to go over the party relations between the three divines and the politician, thus grouped in this sacred rite and solemn scene. Next, the bishops abandoned so much only of the doctrine of passive obedience as was necessary to maintain the supremacy of the Church, and would naturally strive to preserve the indefeasible title and succession to the crown. Thirdly, they may have conscientiously believed active resistance and the deprivation of a legitimate king contrary to the creed and principles of the Church of England. They, however, wanted power or resolution, or were too much afraid of the inveterate popery of James,

[a] Letter of Lloyd, Bishop of St. Asaph. Dal. App.
[b] Dal. App.
[c] Reresby, 301.
[d] Lutt. Diary.

to act upon their principles, and openly defend his right. The King, whilst he still lingered on the verge of his kingdom, sent a message to the Archbishop of Canterbury and Bishop of Winchester, offering to place himself in their hands, if they undertook for his personal safety. According to one account, "they neither accepted the motion nor rejected it[a];" but other authorities, including the King himself, state, that they declared they could not undertake to protect him against the ambitious designs and foreign troops of the Prince of Orange.[b] He even proposed going to the North, and throwing himself into the arms of Lord Danby. That Lord offered to protect him with his life, "if he came with a considerable party, and left his Papists behind him."[c] The King "would not part with his Romans[d]," and did not come. But to fulfil the condition proposed by Lord Danby was no longer in the King's power: he could bring no considerable party, nor indeed any accession whatever to the raw and few levies of the Earl of Danby. James finally made up his mind to depart; determined, according to Bishop Burnet, by a vehement and imperious letter from the Queen. "This letter," says he, "was intercepted: I had an account of it from one that read it. The Prince ordered it to be conveyed to the King, and that determined him." There was, at least, as much of the barbarian as of the politician in breaking that most sacred seal, and forwarding the letter to the King. According to the narrative of James himself, he was decided by the meeting of the Lords at Westminster, on the 22d of December.

The rear of the house occupied by the King at Rochester was left designedly unguarded: sentinels were placed at the front door, rather as a guard of honour than for safe keeping. The Dutch soldiers, for the most part Catholics, went devoutly to the King's mass, and treated him with more respect than his own guards. The reply of one of those soldiers, according to Bishop Burnet, greatly pleased King James. The King asked him how he, a

[a] Reresby, 312. [b] Chaillot MS. "Great Britain's Just Complaint," &c.
[c] Reresby, 325., and Halifax MS. [d] Reresby Mem.

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The Queen, after waiting twenty-four hours at Calais for the King, had gone to Boulogne; heard there of the King's captivity and danger; resolved to send forward the Prince of Wales to the court of France, and return herself to share her husband's fate; was dissuaded by those about her, and by more favourable accounts from England; and on the King's arrival in France, was already installed at St. Germains.

Louis XIV. received Queen Mary of Este and James II. in their distress, not only with that gorgeous magnificence, which is called grandeur in tyrants, but with a certain elevation of sentiment. Upon hearing that the Queen of England was in France, he sent his carriages and an escort to conduct her to his court. Preparations were made for her reception at every stage. Men were employed to clear her route of the snow, which had fallen to a great depth. The French King himself advanced a league from

[a] Lutt. Diary.

St. Germains, to give her welcome. He took the infant Prince of Wales in his arms, and promised him protection and succour in a formal harangue.[a] His first words to the Queen were,—"I render you, Madam, a sad service; but I hope to render you soon a greater and more fortunate."[b] Arrived at St. Germains, she found herself served with all the state and splendour of a Queen of France. Presents in silver, gold, rich wardrobes, and jewels, awaited her acceptance; and she found a purse containing 10,000 Louis on her toilet.

It must have been a lively satisfaction to James, who had both domestic virtues and kind affections, to find his wife and child surrounded with magnificence and respect. Louis XIV. received him with the utmost compassion and generosity; but he was an object of derision to the French courtiers, including the prelate of the Church of France. "There," said the Archbishop of Rheims, brother of Louvois, to the courtiers, in James's own antechamber at St. Germains, "there is a good soul, who has given up three kingdoms for a mass."[c] From Rome they sent him indulgences and pasquinades.[d] His life, with the exception of his unhappy expedition to Ireland,—if that exception should be made,—was passed in such a manner as to justify these contemptuous pleasantries. He visited the Jesuits in their monastery at Paris, and disclosed to them the curious fact, that whilst Duke of York, he was made a brother of their order. He visited, and had spiritual communings of some days together, with the monks of La Trappe. He touched for the King's evil at the convent of Chaillot; passed many hours of his life in edifying discourse upon grace, faith, heresy, and salvation, with the nuns, and bequeathed to them his penitentiary discipline and girdle of iron. The grateful nun preserved not only the manuscript already cited, but some relics precious in their eyes, of his life, death, and conversation. On

[a] Life of K. James, vol. ii. 248.
[b] Volt. Siècle de Louis XIV. Lett. de Mad. Sévig. Mém. de Mad. de la Fayette.
[c] Voilà un bon homme, qui a quitté trois royaumes pour une messe.
[d] Siècle de Louis XIV. [e] MS. of Chaillot

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fact stated by them is of some importance to history: — King James, they say, when placing in their hands the narrative of his flight from England, declared "that he was taken by surprise; that if the thing were to be done over again, he would act differently; and that even overwhelmed and surprised as he was, if he had had time to collect himself, he would have taken other measures." The paper containing his motives for withdrawing himself, which he left behind him at Rochester in the charge of Lord Middleton, to be printed in London, though somewhat trite, should yet, in justice to him, and for its brevity, be given in the text; and it will, perhaps, be most suitably introduced here.

"The world cannot wonder at my withdrawing myself now this second time. I might have expected somewhat better usage after what I writ to the Prince of Orange by my Lord Feversham, and the instructions I gave him; but, instead of an answer such as I might have hoped for, what was I to expect, after the usage I received, by making the said Earl a prisoner against the practice and law of nations; the sending his own guards at eleven at night to take possession of the posts at Whitehall, without advertising me in the least manner of it; the sending to me at one o'clock, after midnight, when I was in bed, a kind of an order, by three Lords, to be gone out of my own palace before twelve that same morning? After all this, how could I hope to be safe, so long as I was in the power of one who had not only done this to me, and invaded my kingdoms without any just occasion given him for it; but that did, by his first declaration, lay the greatest aspersion upon me that malice could invent, in that clause of it which concerns my son? I appeal to all that know me, nay, even to himself, that, in their consciences, neither he nor they can believe me in the least capable of so unnatural a villany, nor of so little common sense, as to be imposed on in a thing of such a nature as that. What had I, then, to expect from one who, by all arts, hath taken such pains to make me appear as black as hell to my own people, as well as to all the world besides? What effect that hath had at home, all mankind have seen by so

general a defection in my army, as well as in the nation, amongst all sorts of people. I was born free, and desire to continue so; and though I have ventured my life very frankly on several occasions, for the good and honour of my country, and am as free to do it again, (and which I hope I shall yet do, as old as I am, to redeem it from the slavery it is like to fall under,) yet I think it not convenient to expose myself to be so secured, as not to be at liberty to effect it; and for that reason do withdraw, but so as to be within call whenever the nation's eyes shall be opened, so as to see how they have been abused and imposed upon by the specious pretences of religion and property. I hope it will please God to touch their hearts, out of his infinite mercy, and to make them sensible of the ill condition they are in, and bring them to such a temper, that a legal parliament may be called; and that, amongst other things which may be necessary to be done, they will agree to liberty of conscience to all Protestant Dissenters; and that those of my own persuasion may be so far considered, and have such a share of it, as they may live peaceably and quietly, as all Englishmen and Christians ought to do, and not be obliged to transplant themselves, which would be very grievous, especially to such as live in their own country; and I appeal to all men, who are considering men, and have had experience, whether any thing can make this nation so great and flourishing as liberty of conscience? Some of our neighbours dread it. I could add much more to confirm what I have said, but now is not the proper time."

CHAP. XVIII.

PROCEEDINGS OF THE PEERS. — MEETING OF COMMONERS. — ADDRESSES TO THE PRINCE. — WILLIAM INVESTED WITH THE EXECUTIVE GOVERNMENT. — STATE OF PARTIES.

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Proceedings of the Peers.

THE Lords spiritual and temporal, pursuant to their resolution, met on the 22d in the House of Lords at Westminster. Removing from St. James's Palace gave an air of independence, and meeting in their own house an air of authority to their deliberations. Their first act was to appoint Lord Halifax speaker. He owed this honour to one who bore him little kindness, Sheffield, Duke of Buckingham, then Lord Mulgrave.[a] The Archbishop of Canterbury, who presided, as head of the peerage, over the assembly of the peers at Guildhall, absented himself from their subsequent consultations at Whitehall. Dr. Lamplugh, raised suddenly by King James to the archbishopric of York, as a reward for the panic or prudent fear with which he fled from Exeter to court on the approach of the Prince of Orange, wanted dignity and experience to preside over such an assembly. On the motion of Lord Mulgrave, Lord Halifax was appointed. His having filled the chair at Whitehall led to his being chosen to occupy the woolsack at Westminster, and, according to Lord Mulgrave, was the cause of all his subsequent favour with King William. But Lord Halifax had other and more persuasive recommendations, in his mean services and superior talents. Mr. Gwynne, also re-appointed, was authorised, as clerk

[a] Sheffield Duke of Buckingham, Account of the Revolution.

or secretary, to sign their Lordships' orders. Their first order was, that all Papists should remove to a distance not less than ten miles from London, with the exception of housekeepers of three years' standing, the servants of the Queen Dowager, the foreign servants of foreign ambassadors, and foreign merchants.[a] This appears to have been the chief, if not sole, business transacted on the 22d; they adjourned over Sunday, to Monday, the 24th of December.

On the 22d, the Lords had deliberated, and made orders, without reference to the authority or existence of the King, who was still within the realm. They were informed, on the morning of the 24th, that he had deserted his crown and kingdom, leaving behind him a paper containing the reasons of his flight. Some of the persons who had been the King's servants, but whose names have not come down, moved that his paper of reasons should be read. The motion was negatived; and this decision put an end to any hopes which James may have entertained from the Lords.[b] It has been remarked as a matter of wonder hardly credible to future ages, that an assembly of Peers, about ninety in number, and comprising many of the old court and council, should so readily set aside their King, without even reading his letter, "which might be reckoned the last words of a dying sovereign."[c] The conduct of the old courtiers should not add to the surprise. That courtiers should be ungrateful, is nothing strange or uncommon. The Lords, moreover, appear to have exercised a sound discretion, in rejecting the letter of the King. His removal once resolved, there were two modes of proceeding to effect it,—either a fair and full trial, or a sentence against him upon the notoriety of his acts. It is a dangerous precedent to condemn even a tyrant unheard; but for the former mode there was not enough of exalted justice and superior reason in the realm; and the latter process alone remaining, the King's letter could only produce barren or mischievous commiseration. The King, too, had

[a] Lutt. Diary.

[b] Sheffield Duke of Buckingham, Account of the Revolution.

[c] Id. ibid.

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the benefit of his letter, by publicity in print. Burnet replied to it by authority. That accommodating divine, under the name of Chaplain to the Prince of Orange, appears to have resembled the *mediastinus* of a Roman household; he was always within call, to be employed in miscellaneous and inferior services, whether of the antechamber or the closet. James, in his letter, made out no case as between him and the nation; but as against the Prince of Orange, his case was unanswerable. Burnet, accordingly, failed to answer it, and charged his failure upon the excess and delicacy of his respect for the King's name. No respect for the King's misfortune, for Christian charity, or for truth, could yet restrain the Bishop, in his history, from insinuating that the King's flight was the effect of his secret consciousness of some black crime (meaning the imposition of a spurious heir), and asserting that his withdrawing himself out of the kingdom was an unforced and voluntary act.

The next was Christmas-day. The Lords thought it right to transact business in so urgent a public crisis. They passed two most important resolutions: the first, that the Prince of Orange should be requested to take upon him the administration of public affairs, civil and military, and the disposal of the public revenue, for the preservation of their religion, rights, laws, liberties, and properties for the peace of the nation, and for the security of Ireland, until the following 22d of January. The reference to Ireland was reluctantly acquiesced in by the friends of the Prince of Orange.[a] An address to the same effect, respecting Ireland, had been presented to him three days before by lords and gentlemen having Irish estates[b]; and the neglect, real or supposed, of the state of Ireland, afterwards subjected King William to suspicion and unpopularity. The second resolution of the Lords was, that the Prince should be requested to issue letters of summons for electing members, as for parliament, to assemble as a convention, on the 22d of January, in order to consider and settle the state of the nation. Addresses, founded respectively on both resolutions, and signed by all the

[a] Sheffield Duke of Buckingham. [b] Lutt. Diary

Lords spiritual and temporal present[a], were presented to the Prince of Orange on the same day. This offer of a temporary dictatorship is stated to have embarrassed the Prince; and credit is given to his advisers for having extricated him with adroitness.[b] His embarrassment is described as lying between the peril of dallying with so tempting an offer on the one side, and accepting it from the Lords only, without consulting the Commons, on the other. The expedient said to have been suggested to him, was to postpone his answer, and summon, in the mean time, such persons then in town as had served in any of the parliaments of Charles II., with the aldermen[c], and fifty common-councilmen of London. It seems incredible that the Prince of Orange, having by his side two such expert advisers as Lords Halifax and Danby, should be unprepared for the resolution of the Lords; and the question is set at rest by the dates. The Commons, or those whom he was pleased to treat with as such, did not, it is true, meet him at St. James's Palace until the 26th; but his summons requiring their attendance is dated the 23d[d], and the Lords voted their address on the 25th of December.

Meeting of Commoners.

The exclusion of those who had served only in the parliament of James was neither just nor politic. It was a weak presumption to stigmatise indirectly all that had been done by him as illegal or unconstitutional. The persons nominated within the above limitations by the Prince of Orange to represent the commons of England, waited on him at St. James's on the 26th. The Prince, in a short speech, said he had summoned them to advise on the best mode of carrying into effect the ends of his declaration in calling a free parliament for the preservation of the Protestant religion, and of their laws and liberties, and for the settlement of the nation. Those spurious and motley representatives of the English people took possession of the House of Commons with much less warrant than the Lords had taken possession of their accustomed place of meeting; but whether on the 26th or on the

[a] Kennet. [b] Sheffield Duke of Buckingham. Account of the Rev.
[c] The Lord Mayor was still on his death-bed. [d] London Gazette.

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following day seems doubtful. According to Narcissus Luttrell's MS. diary, "they went to the House of Commons, and debated the matters (referred to them by the Prince) two or three daies; then they agreed on an address to the Prince as the Lords had done." To admit even of two sittings they must have deliberated on the 26th, as their address was presented on the 27th. The printed record of their debates is scanty. Their first act was to vote Mr. Powle into the chair. He was one of the Whig pensioners of Louis XIV. in the latter years of the preceding reign.[a] The first question, and very naturally, was by what authority they were assembled. It was resolved, that the summons of the Prince of Orange was a sufficient warrant. The next question was that of disposing of the powers of government. No doubt seems to have arisen as to the person. Sir Robert Southwell[b] said he could not conceive how it was possible for the Prince of Orange to take upon him the administration without some distinguishing name or title. Sergeant Maynard replied, that they should wait long and lose much time if they waited till Sir Robert *conceived* how that was *possible*. There was some reason in this sarcasm. It would have been vain to look for regularity in a sudden and unprecedented crisis, when all was irregular. Having determined that the administration should be vested in the Prince, they next debated the duration of the trust. A proposition was made that the period should be a year. This was over-ruled, as a matter to be decided by the intended convention. It was proposed that those present should, like the Lords, sign the Exeter engagement. This proposition was negatived; but a copy was laid on the table, to be signed or not at their individual pleasure. The only difference between their address and that of the Lords was, that it opened with their thanks to the Prince for coming over with such great hazard to his person, for the purpose of rescuing them from popery and slavery. He had already been thanked for this favour upon another occasion by the peers.

[a] See list in Dal. App. [b] Some accounts assign this observation to Sir Robert Sawyer.

Addresses to the Prince.

The address of the Commons was presented to the Prince of Orange through their speaker, Mr. Powle, on the 27th. He told them their request was a matter of weight, which required consideration, and he would let them know his decision next day. The Prince had not yet given his answer to the address of the Lords. On the morning of the 28th, he informed their Lordships, that he had considered their advice, accepted their charge, and would act accordingly. In the evening he gave an answer nearly in the same terms to the Commons. The Prince of Orange thus affected to confer an obligation, by taking upon him a laborious trust, when he was invested with sovereign power over the English nation, the first object of his ambition and his life. Religious party spirit blinds men strangely to the real character of their idol, yet it is scarcely possible, that this affectation could have imposed even on the common-councilmen. It was unworthy of the character and understanding of an able politician and great prince. He did not himself personally interfere to produce this result, but the expedition and unanimity of both Lords and Commons were ascribed not only to influence, but to force and fear. "Both Houses," says the Duke of Buckingham, "might well concur in all, since influenced, I might have said enforced, by the same causes, which last expression I make use of, both on account of the Prince's army here, commanded by a famous general, the Mareschal de Schomberg, and also of a murmur which went about, that the city apprentices were coming down to Westminster, in a violent rage against all who voted against the Prince of Orange's interest." There appears no ground to suppose, that the Prince directly suspended over their deliberations the terrors of his army or of the populace. But it is far from equally probable that these terrors were not felt on that, and employed on other subsequent occasions. The fury of the rabble was soon regarded as a familiar engine of policy to promote the objects or interests of the Prince. It was associated with the policy of William both in Holland and in England by an odious by-word, so well understood as to be employed in a

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document signed by five prelates.[a] Referring to the author of a libel upon them, they say, "he (the author) barbarously endeavours to raise in the English nation such a fury as may end in *Dewitting* us; a bloody word (they add), but too well understood."

William invested with the Executive Government.

It is generally asserted or implied, that the Prince of Orange did not take upon him the executive functions of the state until they were vested in him by unanimous resolutions of the Lords and Commons; and that he tolerated the intrigues of Barillon after the King's flight, until his new charge authorised him to send that minister out of the kingdom. But it is manifest that even whilst the King was still within the realm, the Prince assumed and exercised sovereign power; and the very instance given of his forbearance is, in point of fact, an instance of the contrary. Barillon was ordered by the Prince to depart in forty-eight hours, according to some; in twenty-four hours, according to others. He requested further time; was peremptorily refused, and left London on the 24th[b], four days before the Prince formally assumed the administration. The French ambassador was escorted by a party of the Prince's Dutch guards, under the command of a French refugee. This turn of fortune was one of the most extraordinary, and is said to have produced between them on their route the following question and reply:—"Would you have believed it, sir, had you been told a year ago, that a French refugee would be charged to escort you out of England?"—"Cross over with me to Calais, sir," said the ambassador; "and I will give you an answer." This reply is ambiguous: if Barillon spoke as a Frenchman, he, doubtless, meant that he would answer with his sword; if as the representative of Louis XIV., he must have hinted at the revocation of the edict of Nantes.

On Saturday the 29th of December the Prince of Orange issued his letters of summons for the memorable convention; on Sunday the 30th he received the sacrament, as already stated, according

[a] The Archbishop of Canterbury, and the Bishops of Norwich, Ely, Peterborough, and Bath and Wells. D'Oyley's Life of Sancroft, vol. ii. p. 455.

[b] Lutt. Diary. Sawyer's News Letters.

to the rites of the Church of England; on Monday the 31st he made a visit to the widow of Charles II. at Somerset House, and granted to her the liberty of her chamberlain, Lord Feversham. According to some she solicited this favour[a]; others state that she obtained it indirectly by an ingenious reply to one of the dull common-places which made up the conversation of this famous prince. He asked her how she passed her time, and whether she played at basset. The Queen Dowager replied, that she had not played at that game since she was deprived of her chamberlain, who kept the bank. He took the hint, and on the 2d of January the chamberlain resumed his service. Such a proceeding might be called gallantry at Paris and Versailles; it was despotism at Somerset House. The imprisonment of Lord Feversham was the act, and his release the courtesy, of a tyrant, not of a prince who was the first magistrate of a republic, and aspired to the constitutional throne of a nation jealous of its liberty and laws.

The Prince, to secure the freedom of election, issued an order on the 2d of January, for the removal of the military from the places in which the elections should be held; and leaving his interest in the returns to be managed by his partisans, applied himself to interests and intrigues more immediately within the range of his executive trust. He was not yet invested with the administration of Scotland. The Privy Council of that kingdom, early in December, despatched Lord Balcarras with a letter to the King, setting forth the state of affairs, and requesting his further orders. On the arrival of their envoy the King had just withdrawn himself for the first time from Whitehall. Lord Balcarras had also a letter to the Duke of Hamilton, and in the absence of the King thought it advisable to consult with the Duke and other Scotch privy counsellors then in London. Among them was Lord Dundee. A copy of the letter to the King was given to the Duke of Hamilton. He insisted upon being intrusted with the original; and upon the refusal of Lord Balcarras, discovered, in the fury of his passion, that his object was to lay it as matter of accusation

[a] Lutt. Diary.

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before the provisional council of lords then sitting at Whitehall. The King unexpectedly returned from Feversham; and the Duke of Hamilton, mean now as he was insolent before, made abject excuses to Balcarras, Dundee, and the other privy counsellors, offered them at another meeting his friendship and services, was among the most eager to do homage to the King on his return, sat in King James's last privy council at Whitehall, and upon the King's final departure was among the first to wait on the Prince of Orange at St. James's.

The Marquis of Atholl and the populace had already produced at Edinburgh a revolution in favour of the Presbytery and the Prince. Protestant episcopacy and popery were alike odious to the Scotch. The former should, in reason, have been the more odious of the two; but verbal dogmas and disputes in matters of religion produce as virulent animosities as oppression and persecution. Atholl came from Scotland to London to obtain the reward of his services from the Prince, or prevent his being supplanted by the Duke of Hamilton. The Scotch party of the Prince of Orange in London became divided. The Duke, however, obtained the ascendant and the confidence of the Prince, by superior address, or because Lord Atholl had given offence by prematurely leaving his post. The second flight of the King placed the Scotch lords and gentlemen in London at the disposition of the Prince of Orange. So dexterous was the management of the Prince and the Duke of Hamilton, that about thirty peers of Scotland, including Dundee and Balcarras, both strenuous Jacobites, waited on the Prince at St. James's on the 8th of January. The Prince of Orange addressed to them a few words, substantially the same as those addressed by him to the English Lords and Commons, and they adjourned to deliberate in the council-chamber at Whitehall. The Duke of Hamilton was unanimously appointed to preside. They debated and adjourned without coming to any resolution, and assembled again next day. A resolution, vesting in the Prince of Orange the administration of the government and disposal of the revenue of the kingdom of Scotland, was drawn up,

and about to be agreed to, when Lord Arran, son of the Duke of Hamilton, astonished all present by pronouncing from a written paper the following short and stirring speech:—

"My Lords, I have all the honour and deference for the Prince of Orange imaginable. I think him a brave prince, and that we owe him great obligations in contributing so much for our delivery from popery; but, while I pay him those praises, I cannot violate my duty to my master. I must distinguish between his popery and his person. I dislike the one, but have sworn and do owe allegiance to the other, which makes it impossible for me to sign away that which I cannot forbear believing is the King my master's right; for his present absence from us, by being in France, can no more affect our duty than his longer absence from Scotland has done all this while.

"My Lords, the Prince in his paper desires our advice: mine is, that we should move his Highness to desire his Majesty to return and call a free parliament, for the securing our religion and property, according to the known laws of that kingdom, which in my humble opinion will at last be found the best way to heal our breaches."

The Duke in the chair frowned upon his son: the proposition of Lord Arran was not seconded; and the meeting abruptly separated. A third meeting took place next day. Sir Patrick Hume declared the proposition of Lord Arran "inimicous" to the declaration of the Prince of Orange and the Protestant religion; asked whether any one present was prepared to second it; received no answer; and moved that it should be stigmatised as "adverse and inimicous, &c." by the assembly. This motion, seconded by Lord Cardross, was withdrawn at the suggestion of the Duke of Hamilton; and the Prince of Orange was charged with the government of Scotland until the States of that kingdom should be assembled pursuant to the Prince's letters, in Edinburgh, on the 14th of the following March.

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The opposition between the Duke of Hamilton and his son has been variously accounted for. Lord Arran was one of those who attended King James to Rochester: his regiment was in consequence taken from him to be given to Lord Oxford; and hence, it has been stated, his zeal for the King. By others it is supposed, that the father and son took opposite sides, in order that whatever party succeeded, the family estates should not become forfeit. The address of the Scotch was a bolder proceeding than that of the English. King James left England without a government, but in Scotland the regency and whole machinery of administration remained. The English supplied the want; but the Scotch set aside the authority of an executive government.

The administration of Great Britain was now in the hands of the Prince of Orange. Edinburgh Castle was still held by the Duke of Gordon, a Catholic, for King James. But that Duke's religion could only secure his fidelity; it could not make up for his want of capacity and character. He occupied an important fortress for some months with little molestation, and no credit, and surrendered still more ingloriously, at a critical moment, on the first demonstration of a serious attack.

Ireland proved the strong hold of King James. The Protestants there were a minority; and Tyrconnel, the chief governor, devoted to the King, to popery, and to his country, had put himself in a formidable posture of defence. He disarmed Protestants, and raised an army of 40,000 men, chiefly Catholics. Those lords and gentlemen who were connected with that kingdom frequently called the attention of the Prince to the perilous state of the Protestant interest and their estates in Ireland. The Prince gave them general assurances, and did nothing. His extraordinary supineness has been ascribed to various causes. Tyrconnel sent several messages to the Prince of Orange, offering to deliver up Ireland if such a force were sent over as would give him a decent pretence for surrendering; and the Prince, it has been stated, acting upon the advice of Lord Halifax, disregarded his offers.

Lord Halifax suggested to him, that if Ireland submitted there would be no pretext for maintaining an army; and so changeable was the genius of the English people, that, without the support of a strong military force, he would be turned out as easily as he had been brought in.[a] By others, it was supposed that the Prince neglected Ireland under the influence and advice of persons who expected to profit by new confiscations in that devoted land.

The character of Tyrconnel and his subsequent conduct leave no doubt that his offered submission was but an artifice to gain time. Few men were better formed for deception and intrigue. His reckless language, animal vivacity, strong impulses, and religious zeal, masked his falsehood, adroitness, hypocrisy, and finesse. He duped the Prince of Orange, Lord Mountjoy, and the veteran intriguers of the French court. But his fidelity to an unfortunate master is a redeeming and transcendent virtue at a period when more decorous politicians intrigued and betrayed with as little scruple, and from the base motives of personal safety and self-interest. It is now notorious from various publications that the ministers most confided in by King James, from Godolphin to Sunderland, betrayed his counsels to the Prince of Orange, and that King William's chief ministers and servants, Halifax, Godolphin, Shrewsbury, and Marlborough, secured themselves, in case of a counter-revolution, by secret intrigues, and a traitorous correspondence with James II. Others, again, have accounted for the Prince's neglect of Ireland by his distrust of the English soldiery, his entire dependence in England upon his Dutch troops, and the impossibility of reinforcements from Holland, already at war with Louis XIV.[b] The only step taken by him favours this last supposition. He determined, upon the advice of his council, to make a formal call upon Tyrconnel to submit, with an offer that the Irish Catholics should be secured in the condition in which they stood at the period of 1684. Sarsfield, the most distinguished of the Irish officers, who had been brought over to

[a] Burnet, vol. iii. 369, 370. Dart. n. ibid.
[b] Life of K. James.

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England on the eve of the invasion, was requested to be the bearer of the Prince's summons to Tyrconnel. He had the virtue to reply that he was ready to serve the Prince against the King of France, but that he would not be instrumental in depriving his lawful sovereign of one of his kingdoms. Hamilton, another Irish officer, recommended, it has been stated, by the son of Sir William Temple, was less delicate, though, it would appear, not less faithful to James. He accepted the service, and undertook to overcome, by his influence, any reluctance on the part of Tyrconnel. Arrived in Dublin, he is represented to have combated, instead of encouraging any disposition of Tyrconnel to submit, and did not return to give an account of his mission. It seems, however, much more probable that if influence or persuasion took place on either side, it proceeded from the Lord Deputy. Tyrconnel had already executed his dexterous manœuvre of an embassy to King James. In his overtures to the Prince of Orange and in his communications with the leading Irish Protestants, he affected to think himself bound in honour to ask the sanction of the King before he submitted. Lord Mountjoy was the person most trusted by the Protestants. His influence was unbounded in the north of Ireland, where the majority were Presbyterians devoted to the Prince of Orange. Tyrconnel summoned him to Dublin, under pretence of consultation in so delicate a crisis. Mountjoy came, and earnestly recommended submission: Tyrconnel affected to be convinced by his reasons, but said he could not in honour submit without first communicating to King James the moral impossibility of defending Ireland, and added a suggestion that Mountjoy himself should proceed, for this purpose, to France. Mountjoy made objections. The Protestants warned him against the mission as an artifice of the Lord Deputy to be relieved from his presence. Tyrconnel, on the other hand, says Archbishop King, swore solemnly that he was in earnest; that he knew the court of France would oppose him with all its power, for that court minded nothing but its own interest, and would not care if Ireland were sunk to the pit of hell[a], so it gave the Prince

[a] Tyrconnel's very words.

of Orange three months' diversion; that if the King consented to ruin Ireland merely to oblige France, he would look upon such consent as dictated by the French court, and act accordingly. Mountjoy believed a man who protested and swore with so much vehemence, and who argued for the purpose of deceit with perfect truth.

One objection of Mountjoy appears by implication to have been, that the report of a Protestant might be distrusted by the King.[a] Tyrconnel overcame the objection, and completed his own machinery by associating with Mountjoy Chief Baron Rice, who had James's entire confidence. The two envoys left Ireland about the 10th of January. Rice had his separate and secret instructions. Immediately on their arrival, he informed the King, that their embassy was a device of the loyal lord deputy to rid himself of Mountjoy, whom he recommended to a lodging in the Bastille, and to let the King know he had put Ireland in such a posture of defence as to hold out until succours should arrive from France.

Mountjoy, before his departure, had obtained from Tyrconnel the following pledges for the security of the Protestants:—that no more soldiers should be raised; that no more troops should be sent into the north; that no person should be questioned for past conduct; that soldiers should not be quartered upon private houses. The unlucky envoy upon reaching Paris was shut up in the Bastille; and he had no sooner left Ireland than Tyrconnel, dexterously and by degrees pulling off the mask, violated so much of his engagements as he found expedient; disarmed the Protestants of Dublin under pretence of maintaining tranquillity, added to the military force, and still made show of a disposition to submit, *salvo honore*.

It is stated by Archbishop King, that Mountjoy went to France without the privity of the Prince of Orange, and that this was urged by him as a reason why his leaving Ireland could not com-

[a] Life of K. James.

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promise the safety of the Protestants. The Prince, who was no party to it, would, he said, be at liberty to act as he chose at any moment for their protection. But it appears from the circular letter of Mountjoy himself to the Protestants, that his mission was known in England, and so much relied on that no forces were r would be sent over to Ireland. It may be suspected, if not ıferred from this variance, that the Prince of Orange had that ort of privity which he might acknowledge or disavow as it suited is convenience.

Such were the proceedings of Tyrconnel, whilst it was generally ıpposed in England, and believed by many in Ireland, that he anted nothing but a decent pretence, a sufficient bribe, and the ıfluence of Hamilton, to make him deliver up his sword. When ome of the Irish privy-counsellors pressed him to surrender, he is ıid to have asked them in a tone of pleasantry and derision, hether they would have him throw the sword of state over the ıstle walls, when there was nobody to take it up. His conduct ppears to have been upon the whole a master-piece of its kind. ; seems more likely that Hamilton was gained over by him than e by Hamilton; but the most probable supposition is, that either required the other's persuasion or influence. Hamilton ad little reason to be grateful for his own treatment, or that f the Irish whom he commanded, by the English nation and ıe Prince of Orange. The Prince, says Bishop Burnet, kept Iamilton as "a sort of prisoner of war;" and, after having conned the Irish soldiers for some time in the Isle of Wight, gave them to the Emperor." These donative Irish defeated the berality of the Prince to his ally by deserting from Germany into rance.

Meanwhile, and pending the elections for the approaching ınvention, the Prince of Orange was actively employed in the lministration. His first want was that of money. He applied ır a loan of 200,000*l.* by letter to the aldermen and common-ıuncil, stating the necessity of an immediate supply to meet the ıarges of the navy, pay off part of the army, and secure the

Protestant interest in Ireland. Subscription to the loan was regarded as a test of feeling towards the new order of things. One citizen, Sir Thomas Dashwood, subscribed 60,000*l.*; and the whole 200,000*l.* was collected by a deputation of four aldermen and eight common-councilmen in four days.[a] The sum thus raised was not applied in the manner, at least not in the proportions contemplated by the lenders. The charge of Hamilton's inauspicious commission was all that went to the Protestant interest in Ireland.

Lord Dartmouth, upon the flight of the King, submitted himself and the fleet; first, by acknowledging the orders of the lords assembled at Guildhall; next, by a letter to the Prince of Orange.[b] Narcissus Luttrell states, that "the English fleet regulated themselves, and turned out all Papists from among them." But Lord Dartmouth informs the King, that the Roman Catholic officers were removed in pursuance of the orders above mentioned.[c] The fleet, partitioned by Lord Dartmouth between Sir John Berry and himself, was stationed, one division in the Downs, the other at Spithead, in an unserviceable condition. Lord Dartmouth intimates that it was in a bad state on the King's first flight[d]; and an order issued by the Prince of Orange on the 16th of January, proved that the crews were afterwards thinned by desertion.[e]

The Prince in his proclamation sets forth, that certain groundless reports, touching the uncertainty of the wages of the seamen, had produced discontents and disorders in the fleet; that many had, in consequence, left their ships without leave; that all wages and arrears should be paid, even to the absentees, if they returned to their duty within fifteen days, but if they did not return, they would not only forfeit their claims, but be proceeded against as deserters with the utmost rigour of the laws of the sea. This proclamation was censured. It was regarded as a hardship that the wages of past service to their lawful sovereign should be made dependent upon the continuance of the men in the service of an-

[a] Lutt. Diary.
[b] See his letter to King James on his flight in Dal. App.
[c] Id. ubi suprà.
[d] Idem, ubi suprà.
[e] Gazette, 16 Jan. 1688-9.

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other master. But there is no record of any punishment or deprivation; and to render the navy efficient, was, at the time, not only one of the first interests of the Prince of Orange, as chief of the league of Augsburg, but one of his first obligations as administrator of the three kingdoms. The fleets of Louis XIV. were beginning to be as formidable as his armies. His absolute authority and vast resources; the skill and valour of his Admirals, d'Estrées, Chateau-Renaud and Tourville; the activity and genius of his Minister of Marine, Seignelai, enabled him soon after, to wrest for a moment, from the English and Dutch, the empire of the sea.

The English people have never shown jealousy of the naval force as dangerous to their freedom. The sums employed by the Prince, in equipping and increasing the navy, produced no murmur. His conduct, with reference to the military force, was differently judged. An order issued by him to the army was condemned for the tone in which he, a provisional administrator for a period only of three weeks, anticipated the sovereignty to which he aspired; and it was made a ground of charge against him, both by the Tories [a], and the Whigs [b], that he new-modelled instead of paying off the army of King James. The censure of his proclamation appears to have been just. He proposed rewards, threatened punishments, and assumed the regal style of "our service," as if the sovereign power were already vested in him. There was, perhaps, in this tone, more of policy than usurpation. Having made up his mind to be nothing less than king, he was apprehensive of associating with his person, in the public mind, the idea of his governing otherwise than in his own right, at a moment when the question of his being appointed regent, in the name and during the life of King James, was already agitated.

The whole army was brought together and reviewed for the supposed purpose of being paid off and discharged to a large extent. The Prince merely dismissed some officers of doubtful

[a] Ralph, vol. ii. p. 10.

[b] Anon. letter to K. William, ascribed to Wharton. Dal. App.

fidelity, drafted the privates into other corps, appointed his favourites and followers to the vacant commissions, and bestowed regiments upon the general officers who had accompanied him from Holland, or joined him before the flight of the King. The Scotch regiment of Lord Dunbarton, 1500 strong, given, much against its inclination, to Marshal Schomberg, mutinied some time after upon being ordered to Holland. Both the sons of the Duke of Hamilton, notwithstanding the services of their father, were deprived of their regiments. Lord Arran's, it has been observed, was given to Lord Oxford; and Lord Selkirk's was bestowed on Colonel Godfrey, the brother-in-law of Lord Churchill. That lord's brother, Colonel Churchill, received the regiment of Oglethorpe, whom the Prince tried in vain to attach to his service.[a]

The Jacobites charged the Prince with one of the very grievances which he had, in his declaration, urged against the King, — maintaining a standing army, without consent of parliament, in time of peace. The Whigs condemned, much more sincerely, the course pursued by him, because the creation of a new army would have enlarged the field of military patronage. But the new modelling, rather than disbanding of the troops, appears to have been a measure of prudence and good intention, with reference not only to foreign war but to the defence of the country. The French fleet had already begun to capture English merchant ships, and Louis XIV. made no secret of his design to attempt the restoration of King James by an invasion of the British dominions. The new organisation, however, failed. The army of King James, when the Prince landed, was 32,000 strong, exclusive of officers.[b] In January it was reduced to 15,000; in February, after the Prince became king, to 10,000 by desertion[c], and the officers appear to have been no less dissatisfied than the privates.[d]

Other objects of more immediate interest, and more secret management, occupied the Prince. The convention, which would disappoint or crown the ambition of his soul, was about to meet

[a] Life of King William.
[b] Preston MS. See App.
[c] Lutt. Diary.
[d] Prince's Proclamation.

CH. XVIII. 1688. State of Parties.

The elections had taken, or rather received such a direction as promised him a majority of the Commons[a]; but he was threatened with a formidable opposition from the Lords. Various parties had sprung up. The Princess of Orange, the Princess Anne, the Prince of Wales, the forlorn King, and still more forlorn republic, had their respective pretensions and partisans. All places of public resort and conversation echoed, and the press teemed, with speculative schemes of government, and practical settlements of the nation. The more uncompromising high churchmen and Tories would have the King invited back, upon conditions which should secure the Protestant Establishment.[b] Adda, who accompanied James as nuncio to St. Germains, writes to his court on the 31st of January, that according to letters from England brought to the King by a page of Lord Arran, this party comprised the bishops, or, as the nuncio calls them, "pretended bishops[c]," the men of note of the church party, and some great lords, among whom were the Duke of Somerset and Lords Nottingham and Pembroke.[d] The recall of the King would, of course, establish the succession of the Prince of Wales. Others would appoint the Prince of Orange regent in the name, and during the life of the King. A third party would crown the Princess of Orange as next heir, to the exclusion of "the pretended Prince of Wales." Others, again, would place the Prince and Princess of Orange conjointly on the throne. A fourth party would place the crown on the head of the Prince. The republicans would have a commonwealth, with the Prince of Orange its first magistrate, invested with powers similar to those exercised by him as stadtholder in Holland.[e]

The two extreme parties, of which one would recall the King, the other establish a republic, appear to have been unrepresented in the convention. Their sole organ was the press, and they made active, if not efficient use of it.[f] Few of those ephemeral, and for

[a] Sheffield Duke of Buckingham. [b] Adda. Evelyn.
[c] Pseudo-vescovi. [d] See App. [e] Adda. Evelyn.
[f] The curious in such matters will find a mass of pamphlets to which the controversy gave rise in "Somers' Tracts." and the State Tracts. temp. James II. and William III.

the most part anonymous pamphlets, are worth citation or notice at the present day. The science of government and the popular intelligence have outgrown the notions of 1688. Those principles of liberty, which were then launched as bold truths, would now be received as common-places. The monarchical principles then defended as essential and sacred, have become exploded absurdities. There was indeed much sophistry, and subtlety, and self-interest; but these are of every age. Sherlock, dean of St. Paul's, was, for his hour, the Coryphæus of those who would recall the King. His "Letter to a Member of the Convention" was a sort of manifesto of the party. Burnet received orders to reply to it, and published his "Enquiry," as usual by authority. The high-church doctor afterwards took the oaths to King William, and was galled and stung with a general discharge of pasquinades and pamphlets for his apostasy. A single and short passage in his "Letter" is historically of some importance. It shows that the clergy were now ready to brand as an imposture what they had before received and repeated as a proved fact—the existence of a treaty between Louis XIV. and James for the destruction of the Protestants:—"There is," says he, "one thing more I would beg of you, that the story of a French league to cut Protestants' throats in England may be well examined; for this did more to drive the King out of the nation than the Prince's army. And if it should prove a sham, as some who pretend to know say it is, it seems at least to be half an argument to invite the King back again."

The most effectual weapons against an adversary are his own words. These were employed with skill and effect against the Prince of Orange. The Pensionary's letter to Stuart on the subject of the tests abounded with expressions of affection, gratitude, and duty on the part of the Prince and Princess to the King. They declared through Fagel that they were resolved to continue in the same sentiments of affection and duty to His Majesty, or to increase them if possible. The passages expressing these unalterable or increasing sentiments of love and duty were selected and reprinted, with commentaries insidiously respectful, and the fol-

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lowing memorandum appended by way of note: —"These singular expressions of affection and duty to the King their father were sent after those irregular and offensive measures of quo-warranting charters, the dispensing power, closeting, the ecclesiastical commission, and Magdalen College were practised." It is scarcely necessary to add that these were the leading grievances urged by the Prince in justification of his enterprise. The Prince of Orange had his full proportion of pamphleteers in the field, and he was personally a sort of idol whom none dared to attack, — to whom all parties offered homage, from inclination, interest, or fear. Yet the Prince and his Whig advisers, who had printed in Holland and circulated in England the most scandalous libels upon the King, issued a search-warrant, worthy of James II., the Charleses, and the Star-Chamber, after authors, printers, and sellers of unauthorised books and pamphlets.[a] But the proofs are numberless and the fact indubitable, that the men of the Revolution of 1688 were as little disposed as their adversaries, whether Tories or Papists, to concede the free exercise of either human reason or religious conscience.

The general tenor of Sherlock's pamphlet shows, that a breach occurred very early between the Bishops and the Prince of Orange. No specific cause is assigned, and none probably existed. The clergy and church party had the simplicity to expect that the Prince really came over to crush Popery, and deliver up the King, bound hand and foot, to the church, and, having thus accomplished his mission, to go back to Holland. They soon discovered their mistake. Sancroft is said to have perceived for the first

[a] "Whereas there are divers false, scandalous, and seditious books, papers of news, and pamphlets, daily printed and dispersed, containing idle and mistaken relations of what passes, with malicious reflections upon persons, to the disturbance of the public peace, which are published without any authority, contrary to the laws in that case provided; His Highness the Prince of Orange has thought fit to order and require the Master and Warden of the Company of Stationers, and Robert Stephens, late messenger of the press, to make diligent search in all printing-houses, and other places, and to apprehend all such authors, printers, booksellers, hawkers, and others, as shall be found to print or disperse the same, and to have them before the next justice of peace, to the intent that they may be proceeded against according to law, for the due execution whereof all mayors, justices of the peace, and other officers, are required to be aiding and assisting them." London Gazette.

time, when he attended the meeting of peers at Guildhall, the existence of a project to set aside King James.[a] That prelate in consequence absented himself from their subsequent meetings, waited on the King when he returned from Feversham to Whitehall, made the feeble effort already stated to prevent the King's withdrawing himself from the realm, and held private consultations with other prelates, leading divines, and Tory lords and gentlemen.

The idea of bringing back James was soon abandoned. An assemblage of bishops, lay lords, and gentlemen at Lambeth, on the 16th of January, unanimously determined upon a regency in the King's name.[b] Lloyd, bishop of St. Asaph, merely insinuated his favourite word "cession[c]," which Lord Clarendon, who was present at the meeting, ascribes to the influence exercised over him by Burnet. But it has been shown that Lloyd was much earlier a secret agent of the Prince of Orange, and attempted in that capacity to sound and tamper with the Bishop of Ely. This prelate was now a false brother in the councils of the bishops. He appears moreover to have been a man of sagacity and talent far above Burnet, and restrained by as few scruples. Conversing on public affairs with Wharton, chaplain to the Archbishop of Canterbury, in June 1688, he predicted that popery would not survive the year in England, that a great catastrophe was at hand, that the common people, in their indignation, would probably rise in arms, drive all Papists out of England, and get rid of the King himself by banishment or by taking his life. Wharton, recording the conversation in his Latin Diary[d], throws in a parenthesis, "*quod factum nolumus*," with reference to the King. But the deprecatory present tense must apply to the time of writing, not to that at which the conversation was held; and he makes the Bishop begin his prophecy with the prospect of unclouded good fortune in the past tense,—"*Is fausta* OMNIA *sperare jussit.*" The bishops contemplated laying before the convention

[a] D'Oyley's Life of Archb. Sanc.
[b] Evelyn's Diary. Clar. Diary.
[c] Clar. Diary.
[d] D'Oyley's Life of Sancroft, App. 134.

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a paper containing their reasons against setting aside King James or interfering with the succession. Sancroft, a man of much industry and erudition, was charged with preparing it. From perhaps his constitutional timidity and neutral conduct, it was not presented.

The bishops and clergy, and high Tories, it has been observed, adopted a regency, in the King's name, as preferable to his recall. Some, probably, supported the appointment of a regent, not only as more congenial to the doctrines of the Tories and the Church, but as affording the only hope of ultimately re-establishing the King. This design was imputed to them expressly in the convention; and Burnet goes the length of asserting that the scruples of the more conscientious were satisfied by secret orders from King James to proceed in this manner.[a] The republicans, despairing of their cause, joined those who would vest the royal authority, to all intents, in the Prince of Orange. By appointing or electing a king out of the line of succession they conceived that they made a breach in the doctrine of hereditary indefeasible right, and a step in advance towards the sovereignty of the people. They also expected that, having a crown to bestow in one hand, and the terms on which it should be given in the other, they might limit and modify the regal power, and extend and strengthen the frontiers of popular liberty.[b] But they were deceived and overpowered by their Whig allies, the Dutch favourites of the Prince of Orange, and that Prince himself.

There still remained three parties to dispute and determine the settlement of the government in the convention. These are specified with so much precision and authority by Archbishop Sancroft, that it may be advisable to cite his words. The following three ways were, he says, proposed for legally and securely settling the government: —

"1. To declare the commander of the foreign force king, and solemnly to crown him.

[a] Bur. vol. iii. p. 383. "Malice." Swift, note, ibid.
[b] Pamphlet cited in Ralph.

"2. To set up the next heir of the crown, after the King's death, and crown her; who, being the wife of the said commander, he will hereby have an interest in the conduct of the government in her right.

"3. To declare the King, by reason of such his principles, and his resolutions to act accordingly, incapable of the government, with which such principles and resolutions are inconsistent and incompatible; and to declare the commander custos regni, who shall carry on the government in the King's right and name."

The Prince of Wales and his rights were thus repudiated or passed over in these projected settlements. The republicans discarded him for his very claim of succession. The respective partisans of the Prince and Princess of Orange, who saw in him a dangerous competitor, branded the helpless infant in his cradle, not only with the disqualification of Popery at the age of six months, but with that of spurious blood. The imposture of a false heir figured prominently in the declaration of the Prince of Orange, and he pledged himself to prove it in a free parliament. The purpose of redeeming this pledge was entertained. Burnet was instructed to collect evidence in support of what may be called the case against the pretended prince.[a] That accommodating divine undertook and executed one of the most unbecoming acts in the wide range of his miscellaneous services. The unfortunate King, conscious of his innocence, offered to assist the investigation by sending over those witnesses of the birth of the child who had accompanied him to France.[b] It was thought prudent to abandon the enquiry, either from the conclusive force of the evidence already put on record by the King, or from the insufficiency of the case got up by Burnet. The Bishop says it was abandoned because a failure in the proof would have produced the worst consequences.[c] It was opposed, he adds, by the republicans for a different reason. They affected to treat the succession with con-

[a] Bur. vol. iii. p. 387.
[b] Life of K. James.
[c] Bur. vol. iii. p. 388.

CH. XVIII. 1688. temptuous indifference, and thought the existence of a pretender would keep the reigning princes upon their good behaviour to the people.[a] The Bishop, to turn his labour to some account, introduced as a historian the evidence on one side thus raked together by him as a purveying advocate. To express astonishment at this would, perhaps, argue a want of due acquaintance with human nature and with Burnet; but it is inconceivable how he came to make the avowal.[b] The High Church and Tory party, who contended for a regency, left the claims of the Prince of Wales dormant.

[a] Burnet, vol. iii. p. 389.

[b] Ibid. 390.

CHAP. XIX.

MEETING AND PROCEEDINGS OF THE CONVENTION. — SETTLEMENT OF THE CROWN.

THE convention of Lords and Commons met on the 22d of January, the day fixed for its assembling. Mr. Powle was re-elected to fill the chair of the Commons without opposition. The Lords elected Lord Halifax, in preference to Lord Danby. This was a good omen for the Prince. His very courtiers were divided as to the settlement of the crown. One party, chiefly composed of his Dutch followers, the English republicans, and those Whigs who either accompanied him from Holland or calculated upon his favour, sought to place him on the throne. It is stated that the English companions of the Prince, before they left Holland, bound themselves by a secret oath not to lay down their arms until they had made him king.[a] The other, consisting of those Whigs who either were more scrupulous about the succession, or calculated that the Princess would outlive a husband of infirm health, exposed to the hardships and hazards of war, sought to vest the royal authority in the Princess as queen regnant, whilst the Prince should be but a titular king. The former, or Prince's party, was led by Lord Halifax; the latter by Lord Danby.

Meeting and Proceedings of the Convention.

The convention being thus duly constituted in both houses, a letter in duplicate was placed in the hands of the respective

[a] Letter of Albyville to Lord Preston. Prest. Papers.

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speakers. It proved to be a letter addressed by King James from St. Germains, to the lords and others of his privy council in England. The exiled King repeated the compulsory motives of his flight, complained of fraud, cruelty, and calumny on the part of the Prince of Orange, renewed his promises of satisfaction to his people and to the Church, and only provoked a result which seemed to cut him off from all hope. His letter was rejected, unopened, by both houses.

The Prince opened the session with a letter to the Lords and Commons, equivalent to a King's speech from the throne. He had endeavoured, he told them, to execute his trust to the best of his power, and it now depended on themselves to secure their religion, liberties, and laws. He recommended a spirit of peace and union, and warned them against delay in their consultations, at a moment of great urgency at home and abroad, when the Protestants in Ireland needed immediate succour, and the States of Holland might require English aid and the return of their own troops to defend them against France. The two houses, immediately and unanimously, voted an address thanking him for his services, and requesting him to continue the administration. It will be remembered, that the Prince's authority expired with the meeting of the convention. The address was voted not only with unanimity, but with enthusiasm, by the Commons. Mr. Powle harangued them from the chair upon the everlasting topic of the Protestant interest in Ireland, the insatiable ambition and Popish animosity of Louis XIV., the necessity of subduing him, the glorious project of making the conquest of France, a second time, by English valour,—at least of recovering Normandy and Aquitaine, the rightful inheritance of English kings.[a] The rhetoric of the speaker was designed to serve the Prince of Orange, without naming him, for those visions of glory could be accomplished only by the Prince as their King. The assembly was transported, and the house rang with applause. The Lords were more tranquil, from a

[a] Ralph, vol. ii. p. 27.

sense of dignity, or from secret disinclination. Both houses having voted, with the same unanimity, a day of thanksgiving to Almighty God, who had made his Highness the glorious instrument of their deliverance from popery and slavery, adjourned, and presented, the same day, in a body, the following joint address: —

"We, the Lords spiritual and temporal, and Commons, assembled at Westminster, being highly sensible of the great deliverance of this kingdom from popery and arbitrary power, and that our preservation is (next under God) owing to your Highness, do return our most humble thanks and acknowledgments to your Highness, as the glorious instrument of so great a blessing to us. We do further acknowledge the great care your Highness has been pleased to take in the administration of the public affairs of the kingdom to this time: and we do most humbly desire your Highness, that you will take upon you the administration of public affairs, both civil and military, and the disposal of the public revenues for the preservation of our religion, rights, laws, liberties, and properties, and of the peace of the nation; and that your Highness will take into your particular care the present condition of Ireland, and endeavour, by the most speedy and effectual means, to prevent the dangers threatening that kingdom: all which we make our request to your Highness to undertake and exercise till further application shall be made by us, which shall be expedited with all convenient speed, and shall also use our utmost endeavours to give despatch to the matters recommended to us by your Highness's letter."

The representatives of the Commons, and the Lords spiritual and temporal of the realm, thus sanctified, by their unanimous vote, the enterprise of the Prince of Orange, and reinvested him with the executive government by a more formal title than he yet possessed. He delayed answering them until the next day, and his answer then was laconic and ungracious. "My Lords and Gentlemen," said he, "I am glad that what I have done hath pleased you; and as you desire me to continue the administration of affairs, I am

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willing to accept it. I must recommend to you the consideration of affairs abroad, which maketh it fit for you to expedite your business, not only for making a settlement at home upon a good foundation, but for the safety of Europe."

The tone of indifference with which he spoke on this and other occasions, previous and subsequent, could not have been sincere, and was scarcely politic. His ambition, his genius, his whole life, the notoriety of his vast designs, must have made his affectation palpable. The moroseness of his temper, however, may have had its influence, and he is said to have been disgusted not only with the opposition of the churchmen and Tories, but with those of his own party who supported the rights of the Princess his wife.[a] The two houses, upon receiving the report of this answer, adjourned over to the 26th, and again, without entering upon public business, from the 26th to the 28th. The only motion of any interest in the House of Commons, on the former day, was that their votes should be printed. The rejection of it is a distinctive trait in the character of this popular assembly, and of the Revolution. A lively sensation is said to have been created for a moment, this day, in the House of Lords. Pemberton, Sawyer, and Finch were proposed among the lawyers who should be appointed to advise in matters of law. Lords Mordaunt and Delamere declared, with great warmth and vehemence, that "they would have none of those who had been instruments in the late reign: upon which," says the narrator [b], "a damp seized all the lords, as if they had been attacked, in flank and rear, with cannons and mortars, or with the thunder of Mount Sinai." The lawyers appointed were, Chief Baron Montague, Sir Robert Atkins, Sir William Dolben, Sir Creswell Leving, Sir John Holt, Sir Edward Neville, Messieurs Whitlock, Bradbury, and Petit.

This inaction of six days in the convention, notwithstanding the suggestion of the Prince and the real urgency of public affairs, could have proceeded from no slight cause. The most pro-

[a] Sheffield Duke of Buckingham, Account of the Revolution.

[b] Ralph, vol. ii. p. 28. note.

bable supposition is, that parties and their chiefs had not yet come to an understanding with the Prince or with each other. Extraordinary activity and excitement prevailed in the interval. It seemed to be known or felt that the settlement of the government was still an open question. The press was put in requisition with new industry and zeal. The republicans appealed in the last resort to the Prince of Orange by the memory and example of Andrew Doria, and his own illustrious ancestor. They should have recollected that he came over, not to play the part of Doria, but to prevent his being disinherited either by popery or by a republic. The succession of the Princess was strenuously maintained as essential to the monarchy. Those who defended the interests of the exiled king told the Prince, his honour lay in the strict redemption of the pledges in his first declaration; and that by acting the part of a disinterested generous deliverer he would show himself great without ambition,—a hero inspired with the Roman genius, which prized liberty above empire. The advocates of his own claims proclaimed, that the divine designation of a ruler of the people by a signal deliverance, was never more manifest in the theocracy of the Jews. Such were the flying sheets and half-sheets which issued from the press, like ephemera, to flutter for their hour, full of life and activity, and in every variety of hue. The extent to which measures were concerted and party arrangements made, will be best collected from the proceedings of the convention.

Hitherto the Lords had taken the lead. It was now taken by the Commons, or given to them by the Prince. He was naturally anxious to commence operations where he had the most strength. The Commons, on the 28th of January, entered upon the momentous question of the state of the nation, in a committee of the whole house. The sphere of discussion was thus vastly extended, for the members in a committee were not limited as to the number of their speeches. Mr. Hampden, grandson of the celebrated patriot of that name, was placed in the chair. Mr. Dolben, son of the late Archbishop of York, struck the first direct blow at the

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authority of King James. "I tell you freely my opinion," said he, "that the King is demised, and that James II. is no longer king of England." He argued that the King's withdrawing both himself and the great seal was a demise of the crown; and moved a resolution to that effect. It was a bold step, but did not satisfy the majority of the Commons. Either the Princess of Orange, or the Prince of Wales, upon a demise, would succeed as next heir. It was necessary to render the throne vacant before it could be occupied by the Prince. Sir Richard Temple, brother of Sir William, recounted the misdeeds of King James, and maintained that they created a vacancy of the throne. Sir Richard Musgrave, a leading Tory, asked the lawyers, whether by the law of England the King could be deposed. He was followed, not answered, by Wharton; and made a second appeal to the long robe, which called up Sergeant Maynard. This Nestor of the lawyers answered, that the question at issue was not whether they could depose King James, but whether King James had not deposed himself; and threw in inflammatory and irrelevant topics against the King with the ignorance or bad faith of the meanest pettifogger. "The King," he said, "was a tyrant: he gave up Ireland to Irish hands (alluding doubtless to Tyrconnel). Was this to be endured? The late rebellion in Ireland was the work of Jesuits and priests, and 200,000 Protestants were massacred in it! This would happen in England if the King were recalled. There was not a popish prince in Europe who would not destroy all Protestants; and the gallant prince, Don Carlos, because he inclined to Protestantism, was destroyed by the Inquisition and his own father, in Spain!" It would be superfluous to expose these monstrous falsifications. A member very pertinently reminded him, that he was not pleading at Nisi Prius. Somers, since called the great Lord Somers, cited as a precedent the case of Sigismund, King of Sweden; and concluded, that James II., by violating the original compact between king and people, and placing himself in the hands of a foreign and hostile power, absolved the people from their alle-

giance. Finch, son of Lord Nottingham, denied the possibility of a vacancy of the throne, without first supposing a state of nature, suggested the appointment of a regent, and disclaimed any desire to call back the King. "I have heard," says Sir Robert Howard, "that the King has his crown by divine right: we, the people, have a divine right too." He concluded with the opinion, that King James, by violating the laws, had *abdicated* the government, and the throne was vacant. Sir Robert Seymour, a Tory, but one of the first men of influence who joined the Prince at Exeter, argued with great warmth against the King's alleged abdication, and the vacancy of the throne. After a vain effort by the Tories to adjourn the debate, the committee came to the following memorable resolution: — "That King James the Second, having endeavoured to subvert the constitution of the kingdom, by breaking the original contract between king and people, and by the advice of Jesuits, and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of this kingdom, has abdicated the government, and that the throne is thereby become vacant." This resolution having been reported to the house, and agreed to, was placed in the hands of Mr. Hampden, chairman of the committee, to be by him carried up to the Lords.

Next day the state of the nation was resumed in a committee of the whole house, and the following resolution was agreed to: — "That it hath been found by experience to be inconsistent with the safety and welfare of this Protestant kingdom to be governed by a popish prince." King James and his son were now disposed of by the Commons.

Wharton, the same whose character as Lord Lieutenant of Ireland was afterwards drawn with a pen of iron by Swift, threw out a suggestion of the happy prospects of the nation with the Prince and Princess of Orange raised to the throne. "It concerns us," says Lord Falkland in reply, "to take care that, as the Prince of Orange has secured us from popery, we may secure ourselves from arbitrary power. Before we consider whom we

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shall set upon the throne, I would consider what powers we ought to give the crown." Sergeant Maynard deprecated the loss of time, was apprehensive of their undertaking too much, "of overloading their horses," and talked sneeringly of a new Magna Charta. Pollexfen said their first duty was to fill the throne: the proposed resolution to secure their liberties would but prepare for the return of King James; those who proposed it were their worst enemies; and if the noise of their binding the Prince were to go beyond sea, it would create confusion. "Will you," said Sir R. Seymour, in reply to the two Whig lawyers, "establish the crown and not secure yourselves? What care I for what is done abroad, if we must be slaves in England to this or that man's power? If people are drunk and rude below, as was complained of, must that stop proceedings in Parliament?" This last question appears to have been an allusion to the turbulent movements of the populace in support of the Prince of Orange. The scantiness and uncertainty of the parliamentary history at this period is a matter of regret. The Whigs and Tories would now appear to have changed places. The former became of a sudden strangely insensible to the importance of securing the rights and privileges of the subject. They were satisfied with deposing James and enthroning William, and would impose the triumph of their party and their idol as the triumph of the people. The Tories took the higher ground of securing the nation in its liberties, and to them belongs the chief merit of the subsequent declaration of rights.

Meanwhile the resolution sent up by the Commons was taken into consideration by the Lords. They, too, resolved themselves into a committee of the whole house, with Lord Danby in the chair. Lord Nottingham appeared as leader of the opposition. The system adopted by him and his party was indirect and curious. They denied the vacancy of the throne, but supposed it vacant for the purpose of deciding whether the executive power should be vested in a regent or a king. This was the great question. If it were determined in favour of a regent, the vacancy would be either

immaterial or negatived. The only record of the debate is that left by Burnet; it is merely a general view of the arguments on both sides, without the names of the speakers. The negligent hardihood of his assertions and vocabulary render him a doubtful guide.

The chief supporters of Lord Nottingham were the brothers Clarendon and Rochester. It has been observed with what ungenerous zeal Lord Clarendon joined and counselled the Prince of Orange against the falling or fallen King. He was now as strenuously opposed to the Prince. Conscience, however mistaken, should be an object of respect; but this merit was denied to Lord Clarendon. His relapse was ascribed to his being disappointed in the hope of returning to the government of Ireland. Tyrconnel, in his feigned overtures of surrender, made it a condition that he should not be succeeded by his enemy whom he had displaced. The Prince was, in consequence, deaf to Lord Clarendon's suggestions and hopes. Those lords and their party maintained, that if upon any pretence the nation might depose its king, the crown would become elective and precarious; the right of judging the king would be acknowledged in the people, and the government would ultimately become republican. Lord Nottingham is said to have nearly carried with him a majority of the house by citing and arguing on the recent appointment of a regency in Portugal. This is scarcely credible. It was the case of a mere court revolution produced by court intrigue in a despotic monarchy. A precedent for the settlement of the British government might as well have been taken from Moscow or Constantinople. The queen of Portugal, a French princess, was disgusted with the brutalities of her husband, King Alphonso, loved his brother, Don Pedro, conceived the bold project of divorcing and dethroning the one, and making the other her husband, and regent of the kingdom; and succeeded by means of a dispensation from the pope, and her own dexterous and daring arts. Lords Halifax and Danby were the chief speakers on the other side. Differing in their ultimate views,

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they had a common interest in resisting the appointment of a regent. They maintained that a regency, which implied the right to deprive the King of all power, and on the admitted ground of his misgovernment, involved that of appointing another king in his place; that the government of a regent in the name of King James would perplex the mind and compromise the tranquillity of the nation, by presenting to it the anomaly of two kings; one with the right without the exercise, the other with the exercise without the right. The question was decided in favour of a king and against a regent on a division of fifty-one against forty-nine.

This was a close and alarming minority. The scale was turned by the absence of three peers, Lords Churchill, Huntingdon, and Mulgrave. Indisposition was the cause publicly assigned for the absence of Lord Churchill: others accounted for it in a different manner. The Prince of Orange, according to the Duke of Buckingham, had come to an understanding with the Princess Anne, by a good bribe to the husband of Lady Churchill, her favourite, and an engagement to procure the settlement of a large pension by parliament upon herself.[a] The Duchess of Marlborough, however, in the vindication of her life, which she published several years later, declares that, after having, for a time, counselled the Princess Anne to maintain against the Prince of Orange her place in the succession, she saw that opposition would be vain, advised the Princess to accept the pension, and took this step in the most disinterested spirit, with the sanction of Lady Russell and Doctor Tillotson. Sheffield Duke of Buckingham cast imputations upon his acquaintance and contemporaries with little scruple, and the Duchess had some credit for veracity; but avarice and venality were the vices of the Duke of Marlborough.

Of the prelates, those of London and Bristol only voted in the majority. The general opposition of the spiritual peers has been ascribed by Kennet and Echard to their horror of the doctrine of

[a] Sheffield Duke of Buckingham, Account of the Revolution.

deposing kings as "an art and part of popery," and this rash assertion is echoed by churchmen even at the present day.[a] The popes, it is true, claimed a deposing power,—but as their spiritual and exclusive privilege; and both the Pope and Church of Rome would regard a rival pretension on the part of the lay people, with as much devout horror and prudent fear as the bishops and clergy of the Church of England. The attempt to identify two principles opposite as the poles, only shows that theologians will break through all restraints of good faith and discretion in their eagerness to defame a rival creed.

The Lords, with more method and perspicuity, resolved the encumbered resolution of the Commons into several distinct propositions. On the 30th of January they put the question, whether there was an original contract between king and people, and decided in the affirmative by a majority of fifty-three to forty-six. The number present upon this division was thus less than on the former by three; and the majority gained an accession of six, among whom are reckoned the Dukes of Ormond, Southampton, Grafton, and Northumberland. It was next voted that the original contract had been violated by King James, and apparently without a division. The question on both resolutions, but particularly on the former, was the beaten one between the divine right of kings and the natural right of the people.

The next day, January 31st, was that appointed for a solemn thanksgiving. Lloyd, Bishop of St. Asaph, had been appointed to preach before the Lords, and Burnet, as chaplain to the Prince, before the Commons. The Bishop excused himself on the pretence, it is called, of indisposition, and the honour was so little desired, that it came down to Dr. Gee, another of the Prince's chaplains. According to Sir John Reresby the demonstrations of joy were languid. Other contemporaries state that the day was strictly kept, that sermons were preached in all the churches, and that there were bonfires

[a] See D'Oyley's Life of Sancroft.

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and ringing of bells in the evening.[a] The Lords, after the service of thanksgiving, immediately resumed their deliberations, and voted two most important amendments to the resolution of the Commons: the first, the substitution of the word "deserted" for the word "abdicated;" the second, that the words, "and that the throne is thereby become vacant," should be left out. These amendments were not carried without vehement debate, no traces of which remain beyond the loose and general terms of Bishop Burnet. The majority was eleven.

The King having been thus declared to have deserted the throne, and the throne declared not vacant, either the Prince of Wales or the Princess of Orange must of necessity have succeeded as next heir. A motion was made—by whom does not appear—for an enquiry into the birth of the pretended Prince of Wales, and rejected with indignation.[b] It was next moved that the Prince and Princess of Orange should be declared king and queen: this motion was also negatived by a majority of five. The court party, as that of the Prince of Orange was now called, looked upon their cause—or what was either the same thing, or touched them more nearly—their interests and their safety, in fearful hazard. A petition, palpably designed to intimidate the House of Lords, was got up in the city by threats and violence. It was carried from house to house, presented to persons in the streets and other public places for signature, and borne or escorted by a mob to the very doors of the convention. The prayer, or admonition rather, of the petitioners was, in substance, that the Protestant interest was in extreme peril, and could be secured only by the immediate elevation of the Prince and Princess of Orange to the throne. Notwithstanding the means taken to obtain signatures, the petition was presented to the Lords unsigned, and on that ground only rejected by them as informal. The Commons more frankly rejected it, as a violation of the freedom of their deliberations. The Prince

[a] Lutt. Diary.

[b] Burnet, vol. iii. 388.

and his friends were suspected and accused of having contrived this turbulent movement of the populace to overawe the Lords.[a] They vindicated themselves by the lord mayor's prohibition, issued in pursuance of orders from the Prince. This defence was insufficient: the petition was carried up on the 31st of January, and the lord mayor's proclamation, dated the 4th of February[b], begins with stating, that the Prince's pleasure had been signified to him that day. A tardy prohibition, which allowed the terror of being "dewitted" to operate, during five days, upon the imaginations of the refractory lords and almost all the bishops, either favours the charge or proves nothing. But there is no direct evidence to implicate the Prince or those about him, and movements of the rabble are easily and most frequently produced by their own passions.

A motion was made, on the 1st of February, that the amendments should be sent down to the Commons. This produced a second vehement debate, and the division of the preceding day in the affirmative. Forty peers, at the head of whom were the rival politicians, Halifax and Danby, recorded their protests. The vote of the Commons, declaring popery a disqualification for the throne, was at the same time agreed to unanimously; and it was ordered, with the same unanimity, that the anniversary of the accession of King James, on the 6th of February, should not be observed. The two last motions neither propitiated the Commons, nor screened the majority of the Lords from the suspicion and express charge of secretly designing to bring back the King.[c] On the 2d of February the amendments of the Lords were brought down to the Commons. After a short discussion, they were severally rejected, and a committee appointed to prepare reasons for this vote, to be submitted in a conference with the upper house. The Commons then adjourned over from Saturday the 2d to Monday the 4th of February. Mr. Hampden, chairman of the committee, reported the following reasons, which are inserted

[a] Reresby, 310. [b] Lutt. Diary. [c] Parl. Hist. vol. v. Interreg.

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because they embody, in the most compact and authentic form, an abstract of the arguments of the Commons.

"To the first amendment proposed by the Lords to be made to the vote of the Commons of the 28th of January, instead of the word 'abdicated,' to insert the word 'deserted,' the Commons do not agree; because the word 'deserted' doth not fully express the conclusion necessarily inferred from the premises to which your Lordships have agreed; for your Lordships have agreed, that King James II. hath endeavoured to subvert the constitution of the kingdom, by breaking the original contract between king and people, and hath violated the fundamental laws, and withdrawn himself out of the kingdom. Now the word 'deserted' respects only the withdrawing, but the word 'abdicated' respects the whole; for which purpose the Commons made choice of it. The Commons do not agree to the second amendment, to leave out the words, 'And that the throne is thereby vacant.' 1. Because they conceive that as they may well infer from so much of their own vote as your Lordships have agreed unto, that King James II. has abdicated the government, and that the throne is thereby vacant; so that if they should admit your Lordships' amendment, that he hath only deserted the government, yet even thence it would follow that the throne is vacant as to King James II.; deserting the government being, in true construction, deserting the throne. 2. The Commons conceive they need not prove unto your Lordships, that as to any other person the throne is also vacant; your Lordships (as they conceive) have already admitted it by your addressing to the Prince of Orange the 25th of December last, to take upon him the administration of public affairs, both civil and military; and to take into his care the kingdom of Ireland, till the meeting of this convention. In pursuance of such letters, and by your Lordships renewing the same address to his Highness (as to public affairs and the kingdom of Ireland) since you met, and by appointing days of public thanksgivings to be observed throughout the whole kingdom, all which the Commons conceive do imply, that it was your Lordships' opinion that the

throne was vacant, and to signify so much to the people of this kingdom. 3. It is from those who are upon the throne of England (when there are any such) from whom the people of England ought to receive protection; and to whom, for that cause, they owe the allegiance of subjects; but there being none now from whom they expect regal protection, and to whom, for that cause, they owe the allegiance of subjects, the Commons conceive the throne is vacant."

A conference having been proposed and accepted, the members of the same committee were appointed to manage it. Mr. Hampden, next day, reported to the house, that the conference had taken place, that the Lords persisted in their amendments, and that Lord Nottingham stated their reasons to the following effect:—"That the Lords did insist upon the first amendment of the vote of the House of Commons, of the 28th of January last, instead of the word 'abdicated' to have the word 'deserted.' 1. Because the Lords do not find that the word 'abdicated' is a word known to the common law of England; and the Lords hope the Commons will agree to make use of such words only whereof the meaning may be understood according to law, and not of such as will be liable to doubtful interpretations. 2. Because in the most common acceptation of the civil law, abdication is a voluntary express act of renunciation, which is not in this case, and doth not follow from the premises, that King James II. by having withdrawn himself, after having endeavoured to subvert the constitution of the government, by breaking the original contract between king and people, and having violated the fundamental laws, may be more properly said to have abdicated than deserted." He said, the Lords did insist on the second amendment to leave out the words, "and that the throne is vacant," for this reason: "for that although the Lords have agreed that the King has deserted the government, and therefore have made application to the Prince of Orange to take upon him the administration of the government, and thereby to provide for the peace and safety of the kingdom, yet there can be no other inference drawn from thence, but only that the exercise of

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the government by King James II. is ceased, so as the Lords were and are willing to secure the nation against the return of the said king into this kingdom; but not that there was either such an abdication by him, or such a vacancy in the throne, as that the crown was thereby become elective, to which they cannot agree: 1. Because by the constitution of the government, the monarchy is hereditary and not elective. 2. Because no act of the King alone can bar or destroy the right of his heirs to the crown; and therefore, in answer to the third reason alleged by the Commons, if the throne be vacant of King James II., allegiance is due to such person as the right of succession doth belong to."

The Commons again put the question upon the Lords' amendments, and rejected the first, substituting desertion for abdication, without a division; the second, denying the vacancy of the throne, by a majority of 282 to 151. The dissentient Tories, in the House of Commons, had allowed the amendments to be rejected without dividing, when sent down on the preceding Saturday. It may be presumed that they employed the Sunday's recess in concerting their operations and rallying their force, and the result was the above respectable if not formidable minority.

The Commons now desired a free conference with the Lords, on the subject matter of the last conference, and appointed managers. The Lords acceded, and appointed managers on their behalf. No conference on record has involved, before or since, matters of such moment. A direct rupture between the two great orders of the state and the community, an executive power irregular or usurped, civil war, with the aggravation of foreign troops already lodged in the bosom of the country — these were among the consequences to be apprehended from its failure. Both houses selected from their respective majorities the members most dexterous in debate, or who had most weight of character. Many of them were persons eminent in their day; but there are very few names truly historic. The chief speakers were, on behalf of the Commons, Hampden, Somers, Holt, Maynard, Pollexfen, Temple (Sir Richard), Howard (Sir Robert), Treby (Sir George), Sacheverell; on the side

of the Lords, Nottingham, Clarendon, Rochester, Turner Bishop of Ely, Pembroke.

The discussion was opened by Hampden. He maintained the propriety of using the term "abdicated" as more comprehensive than "deserted," and called upon the Lords to admit the vacancy of the throne, or declare who filled it. Somers, who came next, confined himself to the word "abdicated." He cited jurists and lexicographers, Grotius, Brisonius, Budeus, Spigelius, and the code, to prove that desertion was an abandonment, admitting the right to return and resume — abdication, an absolute, irrevocable renunciation; and therefore the more proper word: first, as a consequence from the King's violation of the original contract, which the Lords had voted; next, as effectually shutting out King James, which object the Lords professed. Holt took the same views, with less of verbal criticism, and upon broader principles. He denied that to abdicate implied an express voluntary act of renunciation, and maintained that both by the common law of England, and the civil law, there may be a renunciation by acts done, without any express voluntary deed or document. The government and the magistracy were, he said, a trust, and to act in a manner inconsistent with or subversive of that trust was the most decisive disclaimer of it. Both these eminent lawyers maintained, that the non-use of the term "abdication" in the law books was no objection, for it was a word of known signification, used by the best authors, and neither was the word "desertion" known to the common law. Lord Nottingham interposing, narrowed the discussion, and brought it to its true bearing. The main objection, he said, of the Lords to the term "abdicated," lay in the consequence which the Commons appeared to draw from it, that the throne was thereby vacant. "Whether," said he, "do you mean that the throne is so vacant as to null the succession in the hereditary line, which we say will make the crown elective?" Sergeant Maynard, instead of meeting the question, indulged in vague common-places, and the analogies of vulgar advocacy at the bar. "Supplying a present defect in the government would not,"

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he said, "make the crown elective. The Commons apprehended there was such a defect, and a present necessity to supply it. If," said he, "the attempting the utter destruction of the subject and subversion of the constitution be not as much an abdication as the attempting of a father to cut his son's throat, I know not what is." It may be remarked, in passing, that the Lords admitted all this; and, according to his own analogy, proposed to appoint a regent in the one case, as a guardian would have been appointed in the other. He urged, in conclusion, that "the Commons did not mean to say the crown of England was always and perpetually elective;" and thus left it to be understood, by implication, that the Commons did mean the crown of England to be elective for that time.

Turner, Bishop of Ely, in reference to what had fallen from Somers, admitted that, according to Grotius, there might be an abdication by mere overt acts; but said that Grotius interposed this caution, — provided there be no yielding to the times; no forsaking merely for the present, with the purpose of returning; nothing of force or just fear. "I speak not," said he, "of mal-administration now: of that hereafter." The Bishop referred to Somers by name. It would be expected that the latter should have risen to vindicate his own argument; but the point was taken up by Maynard, who threw aside the argument and authorities of his junior colleague, with a presumption which may excite a smile, at this day, upon a retrospect of the two men. "We have, indeed," said he, "for your Lordships' *satisfaction*, shown its meaning in foreign authors; but we are not, I hope, going to learn English from foreign authors. *It is* an English word, and we can, without their aid, tell the meaning of our own tongue." Then returning to the expressly excepted question of mal-administration, he illustrates it once more by a pettifogging analogy: — "If two of us," said he, "make an agreement to help and defend each other from any one that should assault us in a journey, and he that is with me turns upon me and breaks my head, he has undoubtedly abdicated my assistance and revoked the said agreement." The Bishop resumed, and discussed the

question upon broad principles, in a tone of good faith which contrasted very perceptibly and favourably with the manner of the Commons. He cited and adopted the distinction of Grotius, between a right, and the exercise of it: admitted that the exercise of the right may be vacated in two ways; the one, natural incapacity, such as lunacy, infancy, doting old age, or disease which excluded human intercourse,—the other moral, such as "a full and irremovable persuasion in a false religion, contrary to the doctrines of Christianity." It may be asked in passing, how this incapacity of "a false religion" is to be determined and agreed on? Popery is a false religion, and contrary to Christianity, in the conviction of Protestants; Protestantism the same, in the conviction of Catholics; and Episcopacy, whether popish or protestant, is or then was Antichrist to the Presbyterians. But the Bishop afterwards meets the objection in some measure, by using the phrase "contrariety of religion,"—meaning contrariety to that of the great mass of the nation. He contended, that in a hereditary monarchy, the vacant exercise of the government resulting from either of those incapacities, moral or physical, should be supplied, by vesting the exercise, and that only, in another person, and leaving the line of succession, and the right itself, inviolate. "If, however," said the Bishop in conclusion, "it be declared that this 'abdication' of James II. reaches no further than himself, and the right line of succession shall be continued, that, I hope, will make all of one mind in this important affair."

To appreciate this last suggestion of the Bishop, it should be remembered that the two daughters of James were bred up in the belief that the word "Church" embraced not only the established religion, but the State and Constitution, and even all the public virtue in the realm. The Princess Anne designated the High Church or High Tory by the name of the honest party. The Tories, however, it should in justice be allowed, had at least an equal share of public honesty and independence. The Bishops and High Church party would have willingly capitulated with the Commons, if the succession were declared in the Princesses

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of Orange and Denmark, to the exclusion of the Calvinist or conforming Prince of Orange; but this did not suit the views of the Commons, and the overture of the Bishop of Ely was not even noticed in the conference.

Lord Clarendon maintained that no act of the King alone could bar or destroy the right of his heir; and observed, in reply to Sergeant Maynard, that if they broke through the line of succession then, others coming after them might take the same liberty, with the further justification of an express precedent. Lord Nottingham proposed that the question of abdication should be postponed, and that of vacancy disposed of first. It was urged by Sir George Treby, that this would be passing over the premise, to discuss the conclusion. Lord Nottingham rejoined, that he understood the "abdication" to be itself a conclusion, drawn from the first proposition, that the King had violated the original contract, and that the vacancy of the throne was merely joined with it by a copulative, as a second conclusion from the same premises. He suggested that some third term, which would limit the vacation of the throne to King James, might be found, and thus the two Houses might agree on the supposition which he made; and the Commons, he supposed, would admit that it was not their intention to break the line of descent. The Commons were deaf to this overture; and Sir George Treby, whilst he contended for the word "abdicated," was obliged to admit to Lord Nottingham, "that it was in the nature of," as he expressed it, "a double conclusion." This dispute arose from the confused and illogical language of the resolution. Sir George Treby, having referred to the abdication of Charles V., was interrupted by Lord Pembroke with the remark, that the abdication of that Prince was an express and solemn act. This is all that is assigned here to Lord Pembroke by the Parliamentary History; but it appears from another authority, that he compared the King's flight to that of a man who ran out of his house because it was on fire, or that of a merchant who threw his goods overboard in a storm to save his life; neither of which could be construed an absolute renun-

ciation.[a] Lord Nottingham urged the maxim, so called, of the constitution, that the King can do no wrong,—a pernicious ambiguity, calculated to delude kings; and Lord Clarendon said, that the expression of breaking the original contract was new in that place, and not to be found in their law books or records. The Commons admitted that the King's ministers and officers, not himself, were responsible, but only where the instances of misgovernment were slight and few; and reminded Lord Clarendon, with something near sarcastic triumph, that he was concluded by the vote of the Lords, affirming the existence and the breach of the original contract. Lord Rochester repeated the suggestion, that if the Commons declared their meaning to be that King James had abdicated only for himself, both sides might concur. A pause followed, and Hampden proposed that they should proceed to the second amendment. No peer objected, and the Commons acted upon this as a tacit assent.

A long and laboured discussion now followed upon the vacancy of the throne. The same arguments were repeated and reiterated with a fatiguing monotony. Sacheverel said, that if King James had merely lost the exercise, and continued in the office, and was still King, all the acts hitherto done by the convention in both Houses were unwarrantable, and the nation could not relieve itself. Pollexfen, in an argument at once subtle and perplexed, contended that the power and the exercise of the power were the same; that to deprive King James of the exercise of his power, was to deprive him of his kingship, which the Lords therefore had already done by vesting the administration in the Prince of Orange. Lord Clarendon asked whether the throne in their sense was vacant as to King James only, or also as to him, his heirs, and successors? Pollexfen, instead of answering, put another question,—Whether, as they denied the vacancy of the throne, they would be pleased to state who filled it? Lord Pembroke made a good reply,—that admitting the existence of an heir, the throne was not the

[a] Burnet, vol. iii. 386. Note of Lord Dartmouth.

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less full, because they could not, at the moment, name that heir between two or more persons. Sergeant Maynard answered this by urging the maxim of law, that no man has an heir while he lives,—thus applying rigorously a legal maxim, having reference rather to other descents than those of the crown, and in an unforeseen and unprecedented emergency, for which the law, by his own admission, did not provide. The Lords urged, with more soundness and fairness, that their business was to adhere to the spirit of the law where the letter was wanting, and to regard the King's desertion of the government as a civil death, by which, as by his natural death, the crown should descend to the next heir. The case of Richard II., in which the throne was declared vacant, as appeared on the face of the record, was cited by Somers. Rochester and Clarendon replied, that Richard II. had resigned the crown by a formal instrument. Neither side could gain much by this precedent. Fraud and violence silenced right and law in almost every part of the transaction. Sir Robert Howard found in it a precedent of election: for the Earl of March, he said, not Henry IV., was next heir; cited the maxim, "*salus populi suprema lex esto;*" asked those who were so scrupulous about the lineal succession, whether they had not already broken it by excluding a Popish heir; and whether they should not resort to election, if no Protestant heir remained. The Earl of Nottingham recapitulated the case of the Lords:—"You seem," said he to the Commons, "to understand your own words to mean less than they really import. You would not make the kingdom elective, and yet you talk of supplying the vacancy by the Lords and Commons. You do not say that the King has abdicated the crown for himself and his heirs, yet you speak of a vacancy, and say nothing of a succession. You do not tell us what you mean. If you mean by abdication and vacancy, only that the King has left the government, and it is devolved on the next heir, we may agree. Any government is better than none. I desire earnestly we may enjoy our ancient constitution." Temple, Foley, and Eyre, spoke on behalf of the Commons, and the discussion terminated.

The subject-matter and debates in this memorable conference have been declared pedantic and puerile by Bishop Burnet, and other writers of more unbiassed temper; and the Bishop further says, that, according to the sense of the whole nation, the Commons had the advantage. The comparative merits should not be judged from the above glimpse of the arguments; but those who read the full debate carefully and impartially will hardly agree with either opinion. There was much of verbal criticism in the discussion, but the subject-matter consisted of the two antagonist principles of passive obedience and indefeasible succession on the one side; the natural right of the community to resist, control, modify, or elect its government, on the other. Both parties had their reservations, and placed themselves in what is somewhat affectedly but very intelligibly called a false position. The High Church and Tory Lords abandoned more than they avowed of their professed doctrines. The Whigs acted to a much greater extent than they avowed, upon the principle since called the sovereignty of the people. But the Lords were, of the two, the more ingenuous and consistent in their principles and arguments.

The resolution of the Commons was so deficient in perspicuity and logic, that one of their managers, after, it has been observed, calling the abdication a premise, admitted it to be a conclusion, and then sought refuge in the solecism of a double conclusion. The substance of it in a logical form may stand thus:— The King, by violating the original contract, abdicated; and by abdicating, vacated the throne. It was a sort of *sorites*, in which the abdication was intended to be a conclusion as to what goes immediately before, and a premise as to what immediately follows. But, in point of fact or logic, it was neither the one nor the other. It is of the essence of abdication, that it should be free. Every abdication recorded by Livy, from the first dictatorship down to the abdication of Sylla, is voluntary. Grotius says it must be voluntary and free, whether done by inconsistent overt-act or by express renunciation. The Commons said that King James had, even in this sense of the term, abdicated, because he, of

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his free will, committed those violations of the original contract, of which his abdication, so called, was the consequence. Now, if this be admitted, and King James voluntarily deposed himself, it will follow that the judicial execution of a criminal is a suicide; for the criminal voluntarily committed the crime by which his life became forfeit. Here the language of the law and of the community suggests the proper word "forfeiture," which should have been applied to James II. Forfeiture, not abdication, is the true conclusion, from the violation of the original contract as a premise. To take abdication as a premise:—Did King James, by abdicating (supposing for a moment that he did abdicate), thereby vacate the throne? Grotius, in the very citation of Somers, says, "*Jure naturali quisque suum potest abdicare.*" But a life right only, not a perpetuity, was vested in King James; who therefore could abdicate only the life right, and not the inheritance. Abdication, therefore, was not a premise from which the vacancy of the throne would follow as a consequence. Let the word forfeiture be substituted, and the vacancy will follow as a resistless conclusion. It is true, Sergeant Maynard tried to prop up the false consequence deduced by the Commons with the maxim, *Nemo est hæres viventis;* but the men of more enlarged sense and principles on his side disdained to take it up.

The Whigs of 1688 took a narrow view of the national emergency, and their own mission. They should have achieved the Revolution as a great original transaction, and sought precedents among similar transactions in the annals of mankind. Grotius, whose authority was often quoted, and implicitly respected on both sides, would have supplied a historic precedent of more weight than his abstractions. *Philippo ob violatas leges imperium abrogatum,* says he, speaking of the Dutch revolution. It appears that the Republicans in the interest of the Prince of Orange proposed that a formal sentence of forfeiture should be pronounced against James II., and that the Prince should be as formally elected king.[a]

[a] Burnet, vol. iii. 397.

But this, says Burnet, was over-ruled in the beginning.[a] The word "forfeiture" was thrown out in the debate, but by whom does not appear.[b] The Whigs of 1688 were secretly as jealous as the Tories of admitting, whilst for their purposes they acted upon, the natural inherent and inalienable right of the community over its government. Hence their adoption of the poor quibble, that James II. had deposed himself. Bishop Burnet, the historian of the party, said they meanly used the ambiguous word "abdication" for its very ambiguity.[c] It would appear that Burnet himself—at least in verbal discussion—maintained the forfeiture. "Dr. Burnet is to maintain his notion of a forfeiture," says Turner, Bishop of Ely, writing to Archbishop Sancroft respecting an expected meeting at Ely House.[d]

The Commons, upon the termination of the conference, adjourned to the next day, leaving the Lords to debate once more whether they should abandon or persevere in their amendments. It is necessary meanwhile to cast a retrospective glance over the proceedings without doors.

The Prince of Orange, whilst the pending settlement of the crown was disputed with heat, strife, and dubious success, lived in seclusion at St. James's, seeking no popularity, courting no party, difficult of access, hearing what was said by those whom he admitted, and never opening his mind.[e] This conduct was great if he was sincere, wise even if he was not, according to a high authority.[f] Personal temper and particular disgusts probably had their share in it.

Two persons only are said to have possessed his entire confidence, and but one of them his affection. These were, Bentinck, afterwards Lord Portland, his countryman; and Colonel Sydney, afterwards Lord Romney, his chief agent in the affairs and intrigues of

[a] Burnet, vol. iii. p. 397. [b] Parl. Hist. vol. v. p. 61.

[c] Burnet, Hist. vol. iii. p. 386. 2d Oxf. ed. The passage is printed for the first time among the additions in the *second* Oxford edition. The word "abdicate," he says, "had a meanness in it, because of the dubious sense of it, and as it was used for that reason."

[d] Letter, dated Jan. 11. 1688–89. D'Oyley's Life of Sancroft, p. 424.

[e] Burnet, vol. iii. 394. [f] Speaker Onslow, note. Burnet, ibid.

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England before the Revolution. Sydney, though abandoned to adventures of gallantry and dissipation in the licentious court of Charles II., had some portion of his brother's love of liberty, without being, like him, a Republican; obtained the political confidence of the Prince of Orange; and repented his share in raising him to the throne.[a] Bentinck, of more accordant temper and character, had both his confidence and friendship. Lords Danby, Shrewsbury, Devonshire, Mordaunt, and Delamere, partook the hazards of his enterprise; and Lord Halifax atoned for his earlier backwardness, by his influence as a party leader, his adroitness and services as an intriguer, and the minor merit of his talents. All these shared, at this critical moment, the counsels of the Prince, with little of personal liking or public trust on either side.

Upon the prolongation of the debates, the Prince's ambition became impatient, or he was alarmed for the result. He summoned Lords Halifax, Danby, Shrewsbury, and some others of the above list, who are not named[b], informed them that he had been hitherto silent, lest he should interfere with the deliberations of the two Houses; that as to the appointment of a regency, he had no objection, but they must look out for some other regent than himself; that as to placing the Princess on the throne, and making him king by courtesy as her husband, he esteemed her exceedingly, but would not hold by her apron strings; that if he was to be king, it must be for his own life, not for hers only; that he would, however, yield precedence in the succession to the issue of the Princess of Denmark over his own by another marriage; that if they thought it for their interest to make a different settlement, he should go contentedly back to Holland;—in fine, that whatever others might suppose, he set little value on a crown.[c]

The Prince of Orange had real grandeur of character. Whilst first magistrate of a simple, frugal, and free Republic, he found himself the chosen leader of a great confederacy of sovereign

[a] Sidney told me he repented a hundred times embarking in the Revolution. Hal. MS.
[b] Burnet, vol. iii. 395. [c] Ibid. 395, 396.

princes, to check and humble the most powerful monarch of Europe. He may therefore have really looked down with indifference upon the mere title of a king, and seen in a crown nothing more than a bauble. But he was ambitious, and could not therefore have been indifferent to power: he had great designs, and could not have been indifferent to the crown of England, without which he could not achieve them; and he well knew that the Hollanders would be grievously disappointed if he went back. The more jealous republicans would have preferred his ruin to his return. The establishment of his ascendency in England to the exclusion of a Catholic successor on the one side, and of a republic on the other, was the great object of common and deep interest to the States General and to himself, which he held out to the States as a motive for placing at his disposal their army, their fleet, and their funds. His expressed willingness to leave the English to settle their own affairs has been justly regarded as a covert menace.[a] It is stated that he even directly threatened that he would depart with his army, and leave his friends to the justice of King James.[b] CHAP. XIX. 1689.

This threat, though the most effective that could be employed by him, had not an immediate or entire success. He insisted that his wife should be a mere queen-consort. This was conveyed through Bentinck. Some of his friends were indignant on finding his love of power so jealous and insatiable.[c] Lord Halifax alone went the whole length with him. The rival leader, Lord Danby, insisted on the rights of the Princess as next heir. In the course of a warm dispute between them on the subject during a party consultation at the house of Lord Devonshire, Fagel was called upon to declare the sentiments of the Prince. He, with some reluctance in seeming, gave it merely as his own notion, that the Prince of Orange would not like to be his wife's gentleman usher. Lord Danby said he hoped they all knew enough now; for his part he knew too much, and the consultation ended.[d] Herbert, brother

[a] Sheffield Duke of Buckingham. Account of the Rev.
[b] Life of K. James, vol. ii. 306.
[c] Sheffield Duke of Buckingham. Account of the Rev.
[d] Burnet, vol. iii. 394. note of Lord Dartmouth — also in Dal. App.

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of the admiral, described as an interested courtier, upon hearing that the Prince refused all participation in the throne to the Princess otherwise than as queen-consort, rose out of bed in a severe fit of gout, and declared, with vehemence, that if he had expected this he never would have drawn his sword for the Prince of Orange.[a]

The murmurs of his party made the Prince somewhat less exacting. Those who supported the interests of the Princess were at the same time not only not encouraged, but sharply rebuked by her. Lord Danby had sent over a messenger with a letter, informing her of the proceedings in the convention, and offering to obtain her, if she chose, the undivided sovereignty. She replied that she was the Prince's wife, and would be nothing more; that she should not regard as her friend any person who would create division between them, and proved that these were not idle words, by sending Lord Danby's letter to her husband. It is added by Burnet, that the Prince, with his usual phlegm, used not the slightest expostulation with Lord Danby, continued to employ and trust him, and made him successively a marquis and a duke.[b] The Prince of Orange, who viewed men without confidence, and human nature without respect, was doubtless too much of a politician to quarrel with Lord Danby at the crisis of his fortunes; and King William employed and advanced him and others, whom he disliked and distrusted, and used as mere instruments of his policy and government.

The result of all this was a compromise. Bentinck brought a conciliatory message[c] from the Prince. He conceded that the Princess should be named with him in all acts of government and administration; and the supporters of the Princess agreed that the prerogatives of the crown and the administration of public affairs should be vested solely in him.

Burnet performed one of his accustomed services. It will be remembered that, by his account, he sounded the Princess on the subject of the Prince's situation, if she succeeded to the crown, or

[a] Sheffield Duke of Buckingham. Account of the Rev.
[b] Burnet, vol. iii. 394.
[c] Sheffield Duke of Buckingham. Account of the Rev.

rather, that he settled with her, of his own authority, the contingent succession and exercise of the executive power. That conversation was not to be disclosed without leave of the Princess. The Bishop states, that having consulted the Prince, and being left by him to his own discretion, he ventured, under the circumstances, to disclose it in violation of his pledge; that the disclosure amazed, but fully satisfied, many people, who said the Princess was either a very good or very weak woman, and that she on her arrival fully approved his conduct.

The Prince thus obtained the substance, conceded but a shadow, and might have retained the shadow too were it worth disputing. The nation was at his mercy in every sense. There was nothing to oppose him if he spoke the language of command. The mass of the nation, with its fanatical intolerance of popery and fears for protestantism, would have supported in any usurpation one who could appeal to them as Protestants, with the supreme power of the state in his hands, and a foreign army at his back. If, again, he retired with his Dutch troops to Holland, there was no known leader endowed with the requisite superiority of genius, virtue, or ambition, to take his place, and, either as a patriot or usurper, protect parties and the nation against the restoration, tyranny, and vengeance of the King. Lord Halifax, whose accomplishments and sagacity form so humiliating a contrast with his mean intrigues, told him most truly, on his arrival at St. James's, that he might be what he pleased, for nobody knew what to do with him or without him.[a]

Arrangements, it has been stated, were made with the Princess Anne for the ceding of her place in the line of succession. Her friends complained and murmured, but Bishop Burnet states that she disavowed them.[b] According to others, she was disappointed and perplexed.[c] But the Prince had the game completely in his hands; and all opposition, even that of the Lords, gave way.

[a] Burnet, vol. iii. 396. note of Lord Dartmouth.
[b] Burnet.
[c] Sir John Reresby. Clar. Diary.

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The managers of the Lords having made their report, the abdication and vacancy were discussed with renewed ardour on both sides. Lords Halifax and Danby joined in recommending the simple adoption of the resolution of the Commons. The amendments were abandoned, and the resolution agreed to by a majority of only two or three, according to some[a], of four, according to others.[b]

It is a distinctive trait in the conduct of parties and individuals in the Revolution to atone for defeated or unprofitable virtue by sudden and servile transitions to compliance. The Lords, having voted the throne vacant, took the initiative in filling it. They voted by a majority of sixty-five to forty-five, that the Prince and Princess of Orange should be declared king and queen of England, and all the dominions thereunto belonging, and framed and voted a new oath of allegiance. These resolutions were passed on the 6th of February. Next day it was moved, that the concurrence of the Lords with the Commons, the filling the throne, and the form of the oath, all voted by the Lords, should be sent down to the lower House. The motion was carried; but the minority, that is, the uncompromising residue of the former majority, entered a protest. It would appear that they did not sign their protest on the journals, but their names have been preserved in the collection of Lord Somers.[c] The lords who went over to the Prince of Orange, or designedly absented themselves, in order to leave him a majority, were influenced by various motives. The Prince's proclaimed determination to return to Holland rather than accept a regency or titular kingship had its effect.[d] Almost all had cause to fear the return of the King. A tyrant jealous of his power, however he dissembled for a day, would not forgive the rejection of his letters unopened, and the unanimous votes vesting the administration in the Prince of Orange. The great majority of

[a] Burnet, vol. iii. 398.
[b] Lord Montague's Letter to King William. Dal. App.
[c] Vol. xi.
[d] Burnet, vol. iii. 396.

each House had compromised their fortunes and lives. Others shrank from the contemplation of a civil war.[a] Some consoled themselves with the hope that the Princess would survive the Prince.[b] There were some also who changed sides from motives more selfish and mercenary.[c] Among them was the court-serving Bishop of Durham. He made his peace by voting for the new settlement, at a moment when he was negotiating the resignation of his bishopric in favour of Burnet for a life-annuity to support him in exile.[d]

The votes of the Lords were, on the 7th, sent down to the Commons. The latter did not immediately proceed to consider them. So eager and precipitate was the house of peers in its new zeal, that it voted the throne to the Prince and Princess of Orange, without defining their respective shares in the sovereignty, or settling the succession, or proposing any security for the rights and liberties of the nation. The Commons began with reviving their committee, to prepare securities for the public rights and liberties. This was opposed by some Whigs,—especially the Whig lawyers[e],—from avidity to reach the emoluments of court favour and preferment under the king elect.[f] They urged the consumption of three weeks already in debate; the impossibility of drawing up a declaration upon matters so important and delicate at the moment; the prudence of first filling the throne and then enacting securities.[g] The Tories were foremost in exposing these flimsy pretences, and urging that the first object in the order of time, of importance, and of public duty, was to guard the public liberties, whoever should be king.[h]

It is charged upon the Prince that he murmured against the limitation of his power, and sent two confidential agents to the leading lords and commoners, threatening, that if they insisted on restrictions of the prerogative, he would leave them to their fate

[a] Burnet, vol. iii. 406. note of Lord Dartmouth.
[b] Ibid. 396. note.
[c] Sheffield Duke of Buckingham.
[d] Burnet, vol. iii. 399. note of Lord Dartmouth.
[e] See Parl. Hist. Jan. 9. 1688–9.
[f] Sheffield Duke of Buckingham.
[g] Burnet, vol. iii. 399.
[h] Parl. Hist.

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and to King James's mercy. This rests only upon the authority of declared partisans of the King.[a] There are some scanty records of the debate on this subject, when the committee was appointed on the 29th of January, but none of the more interesting discussion on the 7th of February. The report brought up by Sir George Treby, and divided into two branches, —the one declaratory of ancient rights, the other introducing new securities[b], —was agreed to. It was further voted, that the crown should not descend to any person who was or had been a Papist. The vote of the peers for filling the throne was next taken into consideration; and, after a conflict of opinions, was disposed of by an adjournment to the next day.

Settlement of the Crown.

On the 8th the subject was resumed. During the intervening adjournment, from the 7th to the 8th, a great change came over the counsels of the Commons. They voted the omission of that part of the declaration which proposed the enactment of new securities, and retained only the part declaratory of ancient rights. Whether this was the result of menace and impatience on the part of the Prince, or of influence and intrigue employed with the Commons, seems a matter which it would be vain to examine. The sovereignty and succession were next disposed of. The vote of the Lords was adopted, with this addition, that all acts of government should be done in the joint names of the Prince and Princess; but that the exercise of the regal power and prerogative should be vested solely in him; that he should be king for his life, but with precedence to the issue of the Princess Anne over his issue by another marriage; — in short, the settlement was arranged according to the demands already stated to have been made by the Prince.

The form of the oath of allegiance to the intended king and queen was the subject of much discussion. It was reduced to the ancient simplicity of bearing "true allegiance to their Majesties King William and Queen Mary," omitting the words "rightful and

[a] Montgomery's "Great Britain's Just Complaint," &c.

[b] Ralph, vol. ii. p. 52.

lawful sovereigns." The oath was worded, and very wisely, in this simple and comprehensive form, to leave an opening for real, or an excuse for capitulating, scruples of conscience. It gave rise to the distinction of a king *de facto* and a king *de jure*, which troubled the succeeding reign; and if Bishop Burnet may be believed, it introduced gross equivocation in taking the oath among the clergy, to the great scandal, he says, of the church, and increase of the growing atheism of the age. The lawyers recommended the omission of the words "rightful" and "lawful," on the ground of law, that the people were to submit to the King in possession, without examining into his title.[a] Such was the revolting principle by which Pollexfen and Maynard would legalise the Revolution. The statute of Henry VII. was perpetually in the mouths of these Whig lawyers; and the Prince of Orange, had he listened to them, would have directly usurped the crown[b], in violation, not of the forfeited rights of James, but of the original and inherent rights of the people. Whilst the lawyers thus attempted to legalise, a bishop took upon him to consecrate, by a principle still more revolting, the title of the Prince. Lloyd of St. Asaph maintained that all the rights of King James were transferred to the Prince by conquest, which was a right divine, for the war of the Prince upon the King was an appeal to God, and his success the decision of Heaven. As the sages of the law cited the statute of Henry VII., so the divine and his followers quoted those passages of Scripture in which God is named as disposing of kingdoms, by pulling down one and setting up another. The former would legalise successful usurpation, and the latter would sanctify superior force rather than admit that true principle, the supremacy of the people in the last resort, which is so well laid down in the following terms, by Speaker Onslow:—"The Prince of Orange came over by invitation from the body of the nation, expressed or implied; had no other right to do it; and whatever was done against King James, and for the Prince and Princess of Orange, was, in fact (and could have had no other

[a] Burnet, Vol. iii. 402.

[b] Id. Parl. Hist.

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foundation of justice), done in virtue only of the rights of the people. No act of a king of this country, be the act what it will, can transfer, or be the cause of transferring, the crown to any other person; no, not even to the heir apparent, without the consent of the people, properly given. The interest of government is theirs. Sovereigns are the trustees of it, and can *forfeit* only to those who have intrusted them; nor can conquest of itself give any right to government: there must be a subsequent acquiescence or composition on the part of the people for it, and that implies compact. If this be so with regard to the conquest of a whole nation, it is more strongly that when the conquest is over the king only of a country, and the war not against the kingdom."[a] Lloyd published his doctrine in a book, which he permitted himself to style, "God's Way of disposing of Kingdoms," and did not live to reap, at least to enjoy, the fruit of his public labours and secret intrigues. He died soon after the Revolution, upon his translation from St. Asaph to Worcester.

The Lords modified by counter-amendments the amendments sent up by the Commons. The 9th, 10th, and 11th were passed in conferences and debates, of which no traces are left; and the vote for the final settlement "passed very hardly," says Burnet, on the 12th of February.

The Revolution was now accomplished in England. Nothing remained but ceremonials and pageantries. An extract from the Declaration of Rights, as it ultimately came out of the three days' debates and conferences, is necessary here. It will best convey an idea of the settlement made, and enable the reader to judge at a glance whether the authors of the Revolution achieved all they might and ought in their position to have achieved; — whether the Commons of England did their duty to their constituents, their country, posterity, and universal freedom. The Declaration, after reciting in detail the misgovernment of "the late King, James II.," sets forth, "that the pretended power of suspending

[a] Note in Burnet, vol. iii. p. 405.

of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal: that the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal: that the commission for erecting the late court of Commissioners for ecclesiastical causes, and all other commissions and courts of the like nature, are illegal and pernicious: that levying of money for or to the use of the crown, by pretence of prerogative, without grant of Parliament, for longer time, or in any other manner, than the same is or shall be granted, is illegal: that it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal: that the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law: that the subjects, which are Protestants, may have arms for their defence suitable to their condition, and as allowed by law: that elections of members of Parliament ought to be free: that the freedom of speech and debates, or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament: that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted: that jurors ought to be duly empannelled and returned; and jurors, which pass upon men in trials of high treason, ought to be freeholders: that all grants and promises of fines, and forfeitures of particular persons before conviction, are illegal and void: and that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently; and they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties; and no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premises, ought in anywise to be drawn hereafter into consequence or example. To which demand of their rights they are particularly encouraged, by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein. Having, therefore, an entire confidence that his said Highness the Prince of Orange

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will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties; the said Lords spiritual and temporal, and Commons, assembled at Westminster, do resolve, that William and Mary, Prince and Princess of Orange, be and be declared King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them the said Prince and Princess during their lives and the life of the survivor of them; and that the sole and full exercise of the regal power be only in and executed by the said Prince of Orange, in the names of the said Prince and Princess, during their joint lives; and after their deceases the said crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said Princess; and for default of such issue, to the Princess Anne of Denmark and the heirs of her body; and for default of such issue, to the heirs of the body of the said Prince of Orange. And the said Lords spiritual and temporal, and Commons, do pray the said Prince and Princess of Orange to accept the same accordingly; and that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law instead of them; and that the said oaths of allegiance and supremacy be abrogated."

The Princess of Orange arrived from Holland on the night of the 12th, when the settlement was concluded. The freezing of the Dutch ports, in the first instance, and contrary winds, when the ice gave way, were stated as the causes of her not having sooner arrived. The Jacobites ascribed it to the Prince, who feared that her presence might impede his designs upon the crown. But she appears to have been so submissive a wife, that her presence would rather have been useful to him. Perhaps he feared the influence which the bishops might exercise over a woman who dethroned her father out of zeal for the Church. Her gaiety, on arriving at Whitehall, gave scandal. The excuse made for her is, that the Prince had sent her orders to put on cheerful

looks, lest it should be suspected that she did not approve the Revolution; and that she overacted the part thus assigned to her by her husband.[a] But this will not account for the conduct imputed to her by the Duchess of Marlborough, writing as an eye-witness. "I was," says she, "one of those who had the honour to wait on her to her own apartment. She ran about, looking into every closet and conveniency, and turning up the quilts upon the bed, as people do when they come to an inn; and with no other sort of concern in her appearance, but such as they express,—a behaviour which, though at the time I was caressed by her, I thought very strange; for whatever necessity there was of deposing King James, he was still her father, who had been so lately driven from that chamber and that bed."[b] The Duchess may have been harsh and hostile, but there appears no ground for questioning her account of the behaviour of the Princess, or the cause to which she ascribes it, "that Queen Mary wanted bowels." Evelyn says of her, "She came into Whitehall laughing and jolly as to a wedding, so as to seem quite transported."[c]

On the morning of the 13th of February, the two Houses, preceded by their respective speakers, Lord Halifax and Mr. Powle, came to Whitehall, and stationed themselves, the Lords on the right, the Commons on the left, of the Banqueting-house, to wait the coming of the Prince and Princess of Orange. Their Highnesses, having entered by an opposite door, stood upon the step under a canopy of state, and the Lords and Commons were introduced. Lord Halifax stated, that a declaration had been agreed upon by both Houses, and requested that it might be read. The Declaration of Rights was accordingly read by the clerk of the Lords. Lord Halifax, in the name of the two Houses, then made a solemn tender of the crown to the Prince and Princess of Orange. There are two versions of the answer of the Prince, and material variances between them. An entry in the Commons' Journal of the 13th states, "that he thanked them heartily for their great kindness to him,

[a] Burnet, iii. 406.

[b] Conduct of Duchess of Marlborough, pp. 26, 27.

[c] Diary, vol. ii. p. 6.

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and confidence in him; that he accepted of the crown on the conditions mentioned in the Declaration; and that, as he came thither for the defence of the Protestant religion, so he would ever study to preserve it, together with the laws of the land and the liberties and properties of the people." On the 14th, the Speaker acquainted the Commons that he should procure a copy of the Prince's speech by the next day; and accordingly the following appears on the Journals, under the date of the 15th, as the answer of the Prince: —

"My Lords and Gentlemen, — This is certainly the greatest proof of the trust you have in us that can be given; which is the thing which makes us value it the more; and we thankfully accept what you have offered to us: and as I had no other intention in coming hither than to preserve your religion, laws, and liberties, so you may be sure that I shall endeavour to support them, and shall be willing to concur in any thing that shall be for the good of the kingdom, and to do all that is in my power to advance the welfare and glory of the nation."

In this answer it will be observed, there is no express acceptance of the Declaration of Rights, as the condition upon which the crown was tendered. The new King and Queen were proclaimed, on the same day, with the usual ceremonies, and demonstrations of joy.

The example of England was followed by the states of Scotland in a convention. The reduction or suppression of the Scotch Jacobites, and the conquest of Ireland, belong to the reign of King William, not to the History of the Revolution.

APPENDIX.

APPENDIX.

N°. I.

ESTRATTI DELLE LETTERE DE MOSIGNOR D' ADDA, NUNZIO APOSTOLICO, ETC.

APPENDIX I.

4 Dec^{r}. O. S. 14Dec^{r}.1685.

MARTEDI mattina 11 del corente essendo a Corte mi fece dire S. M. per il fratello del Sig^{r} Cardinale Howard, che mi averebbe atteso alle 4 Eore del doppo pranso per parlarmi. Onde mi porta all' Eora destinata per ricevere li commandati della M. S., la quale sì compiacque dirmi, con espressioni di molta benignità, che la sua intentione era, che mi trattenessi ancora presso della M. S., e voleva che fossi testimonio del zelo, col quale averebbe procurato di mostrarsi il più obbediente figlio à Sua S^{tà}, con aggiongere di più che mandando Eora il suo Ambasciatore à Roma, potevo assumire publicamente il Carattero di Ministro di Sua S^{tà} tenendo la capella in Casa, con tutte le altre dimostrationi di Publico Rappresentarte, senza necessità di pigliare alcuna Publica Audienza.

Entro poi in altri discorsi, come della Persecutione di alcun anni sono, nella quale, diceva che erano morte settanta due Persone, dal che però il Signore ne aveva fatto rissultare un grand Bene col disinganno di molti Protestanti, li quali erano persuasi, che li Cattolici avessero dispensa di poter mentire a suo Piacere con riserve mentali con le quale potessero ingannare il Mondo, ed altre massime di simil natura; onde dall' aver visto soffrire li detti Cattolici coraggiosamente la morte, la quale con facilità, supposte le dette dispense, averebbero potuto evitare, mentre non erano condannati, che per non voler giurare il resto, sono venuti in cognitione della loro vergognosa credulità; anzi S. M. aggionse, che essa medesima molti anni sono essendo quasi persuasa della stesso aveva mandato à Roma per impetrare la Dispensa di accompagnare il fù Rè suo fratello alla Capella, ed ivi pigliare la Cena all' uso de' Protestanti, e che non gli fù concessa.

Mi disse sopra l' affare d' Olanda, che questo P^{re} Provinciale de' Giesuiti gli aveva rappresentato qualche pericolo contro de Missionarii che sono in queste Provincie, eccitato dalla fuga degl' Ugonotti di Francia; onde sua M^{tà} ne averebbe scritto al Principe d'Oranges, aggiongendo però, che essendo il Principe un gran Calvinista non attendeva gran cosa di lui. Al che risposi, che dovevamo sperare sempre ogni buon successo dagl' ufficii di S. M., ma particolarmente in un caso, dove non si trattava che della diffesa di persone innocenti. E sua M^{tà} soggionse, che non averebbe lasciato di passare l' ufficio col maggior calore.

Parlò anco sopra la Proroga del Parlamento, dal quale diceva, se avesse voluto in qualche cosa rilasciare delle sue determinationi, poteva attendere

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ogni più grand assistenza, ma conoscendo che per essere Rè, non si deveessere meno buon Cristiano, perciò non aveva voluto altra mira che un intiera rassignatione alla suprema volontà del Sig^re, dal quale aveva da dipendere tutto il suo essere, con sentimenti di zelo, e pietà cosi perfetta, che si eccita l'ammiratione insieme con la tenerezza, nel vedere un si gran Rè portato con tanto ardore all' augumento della Religione, ed allo studio della soda, e vera Pietà, che non à bisogno di stimol, anzi previene tutte le insinuationi più esatte. . . . . .

Della medesima lettera.

. . . . . Entrò poi S. M. benignamente à parlarmi della sua conversione, dicendo che mai Persona di quanti Religiosi avevano seco trattato gli parlò sopra di questo particolare, una sol volta Giovanetto essendo à Parigi, ed entrato in un convento di Monache con la fù Regina sua Madre, una zia del Marescial di Bellefonte gli aveva detta qualche Parola, esortandolo ad abbrasciare la Religione Cattolica, à che egli rispondesse, che era troppo giovane per discernere sopra tal materia, ma che la sua conversione ebbe principio dalla lettura della Historia della Pretesa Riforma di Religione e da un altro libro fatto da un ministro Protestante contro de' Cattolici.

Mi disse poi che il fù Rè suo fratello, se fosse vissuto sol poco tempo, era rissoluto di dichiararsi Cattolico, e che aveva prese misure per farlo senza molta dilatione.

Mi parlò anco distintamente sopra la setta Anglicana facendo vedere essere la meno difforme dell' altre dalla Cattolica, contro la quale pero tutte per l' interesse si unissono ad impedirne la propagatione. . . . . .

Della medesima lettera.

. . . . . Io partii da S. M. sempre più consolato, ed ammirato di vedere in essa radicati sentimenti di una cosi solda, e vera virtù. . . .

FERDINANDO D' ADDA.

20 Dec. O.S. 31 Dec. 1685.

. . . . . Non ci è dubbio, che il Rè à tutto il zelo maggiore, e degno di ammiratione, accompagnato da una pari fermezza, e rissolutione di fare tutti quei passi, che potranno contribuire all' augumento della Religione, e rimetterla quanto sarà possibile nell' antico splendore, ma osservandosi, che le circostanze, nelle qual' ora si troviamo per la grand unione de Malintentionati, eda dombramento de' Protestanti, sono molto controposte alle s^te dispositioni di S. M., è necessario, che queste vengono regolate con una cautela più che singolare, acciò che non si corra pericolo per la malitia altrui di vederle defraudate almeno di tutto il frutto, che si potrebbe sperare coll' aiuto del Signore dalle medesime. . . . . .

FERDINANDO D' ADDA.

31 Gen^o. 1689.

. . . . . Mi disse poi la M. S., che era gionto un paggio di Milord d' Aram con lettere d' Ingh^a, le quali portavano principalmente che si aprendesse dal P^e d' Oranges l' affare d' Irlanda più difficile di quello che si era immaginato, destinando à quell' intrapresa un maggiore numero di truppe di prima con la dispositione di farle ancora commendare dallo

stesso Marechal di Schomberg: il che faceva credere alla M. S., che Milord Tirconel si fosse messo in un buon stato di difesa, benche non havesse nuove à drittura da quella parte; diceva esservi già più partiti in Londra, che li Pseudo vescovi con gli Anglicani nominando alquanti Milordi principali, come il duca.

La M^tà del Rè ha pensato di dare un successore con diversità di carattere al Sig^r Conte di Castelmaine, ed ha proposto nel suo conseglio di gabinetto la persona del Conte Dalbi, Irlandese e fratello del Marchese d'Albeville, che và inviato Regio presso li stati Generali d'Olanda. Questo soggetto si è trattenuto longo tempo in Roma, credo con particolar attaccamento alla casa del Sig^r Principe Pampilio, ch' è stato uno de motivi principali per farlo considerare da S. M^tà, come il più à proposito per ben riuscire in questo impiego, ed è stato nuovamente per l'instanze, e la protezzione del Rè, liberato dalla Bastiglia di Parigi retenutovi qualche anno senza sapersene alcuna apparente ragione. Nel conseglio ha havute molte opposizioni la di lui elezzione, non gia per risguardi personali, ma rappresentando alcuni à S. M^tà, che meritava reflesso l'impiegare due fratelli in due cariche ciascheduna nel suo genere della maggior importanza, ma il Rè è persuaso, ch' il detto soggetto, per la pratica ch' ha acquistata in un longo soggiorno della corte di Roma, e per l'opinione che tiene della sua probità, sia presentamente il più capace, e più atto per appoggiargli una simil carica, onde pare, che la sua M^tà non sia per considerare di tal peso le rimostianze, che le sono state fatte sopra di questo per non dovere passare avanti nella risoluzione. L' altra sera S. M^tà essendovi presente l'ambasciatore di Spagna mosse discorso sopra il Conte Dalbi, dicendo ch' era stato molto tempo à Roma, e ch' aveva gran cognizione di questa corte, parlanda poi della sua età ch' è molto avanzata senza spiegarsi di più. Il medesimo Conte m^r ha parlato in questi giorni del negozio in termini di crederlo quasi per fatto, e che Milord Sunderland gl' havesse detto di non partire da Vindsor, onde fra poco dovra sapere quello, che si risolverà sopra la di lui persona. La richiamata del Sig^r Conte di Castelmaine s' attribuisce à due cagioni; la prima, che si stima la più principale, è per la spesa grande, ch' importa il sostenere l'Ambasciata, e pare che S. M^tà inclini ad ogni maggior risparmio, per non avere à dipendere dal parlamento, per la necessità de sussidij, havendo con limitazione l' entrate regie, ed impegnate in gran parte à mantenere le truppe, che sono necessarie per la propria sicurezza, e tranquillità del Regno: l'altra, si crede à riguardo della persona del Sig^r Ambasciatore, la di cui condotta non è in alcun modo piaciuta, ed universalmente quà ciascheduno se ne duole. Delle determinazioni, che si pigliaranno, non lasciara di darne riverentemente conto à V. E. 27 Septembre, 1686.

Le risposte del Principe d'Orange sopra le premure del Rè per dare un Generale Cattolico alle truppe Inglesi, che si trovano al servizio d'Olanda, sono state pertinaci nella negativa, onde S. M^tà ha havuto un sensibile dispiacere di, questo modo di procedere del detto principe, e se n' è spiegata con qualche

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ministro, con gran risentimento, e tanto più degna di reflessione si fa questa sua ostinata resistenza, quanto che molti credono, che venga da un' altro principio, oltre quello dell' odio alla Religione Cattolica, di volersi rendere grato à questi heretici con tali passi, e facilitare le sue pretensioni, con mostrare aversione al zelo di S. M^tà, la quale sapra prendere le misure convenienti per prevenire quelle de suoi nemici e dello stato, massime che si parla come d' un partito fatto delli aderenti al Principe d'Oranges. . . . . .

11 Octobre, 1686.

Le giorni passati havendomi tenuto discorso Milord Sunderland sopra gl' affari correnti d' Inghilterra, ed in ordine alla convocazione del Parlamento, mi disse, che non era ancor risoluto, se si doveva tenere al tempo prefisso Novembre prossimo, anzi più tosto ricavai una grande apparenza, che si sarebbe prolongato il termine, dovendo pero questo dipendere dallo stato in cui si trovaranno le cose, per non aventurare, se sara possibile, di convocarlo senza profitto, e da questo proposito mi faceva un progetto del modo, con cui credeva che si potesse condurre quest' importante opera à buon fine. Supporse dunque que la M^tà del Rè possa ripromettersi molto dalla Camera Bassa, e che sia per entrare ne giusti sentimenti della M^tà S. contando sino à ducento voti della medesima, come necessariamente dipendenti da S. M^tà, col cavare anco argomento dall' ultima separazione, ch' è stata per la sua parte in termini tali, che non ha fatta apparire alcuna diminuzione del suo intiero rispetto, ed ossequio verso la M^tà S., onde concludeva, che tutto il male poteva derivare della Camera Alta, che però era necessario di prevenire li mezzi atti à porla in un stato, che poco s' havesse à temerne, e proponeva che senza far mormorare alcuno, il Rè aveva nel suo potere un remedio pronto, ed opportuno, il quale sarebbe ò di fare molti Milordi nuovi di Persone d'una sperimentata fedeltà, ch' entrando nel Parlamento si contraporrebero al numero di quelli, che volessero rimanere pertinaci nella loro opposizione, e malizia; ò pure chiamare nel Parlamento li figli primogeniti de Milordi, potendolo fare il Rè di speciale sua autorità, overo aggregare altri à suo piacere; havendomi à questo proposito detto, che quando per tre volte faccia S. M^tà una *simile chiamata* d' alcuno, s' intende fatto pari del Regno, e ne seguirebbe il *medesimo* buon effetto di rinversare tutte le cabale, e misure, che possono aver presso li nemici del ben publico, coll' augumentare il numero di quelli, che sono attaccati al servizio di S. M^tà, la quale me disse il detto ministro, ch' era ben disposta ad intrare in questo progetto, però non essendo negozio di concludere in pochi giorni, n' è motivo di credere, che si differirà la sessione del Parlamento per qualque mese. . . . . .

15 Novembre, 1686.

Milord Triconel ch' è molto zelante per l' avanzamento della nostra S^ta Religione et per il servizio di S. M^tà, massime nel regno d' Irlanda, delli di cui affari ha una principale direzzione, m' ha significato ch' alcuni avevano persuaso la M^tà S. di confermare alli protestanti di quel Regno il possesso de beni usurpati da essi nelle ultime rebellioni di Cromvele sopra li Cattolici, ed autorizzato loro dal

Parlamento supponendo, che tale approvazione non fosse repugnante alla giustizia, anzi à buon fine di non esasperare li Heretici, e non dare loro motivo di qualche movimento pregiudiziale alla Religione, ed allo stato, quando si trattasse di levare ad essi li detti beni posseduti per atto di Parlamento, onde essendosi fatta la propqsizione di questo nel consiglio particolare destinato per gl' affari d'Irlanda, dove entrano Milord Sunderland, ed alcuni Sig^ri Cattolici alla presenza di S. M^tà, la maggior parte, che votò prima di Milord Triconel, fù senza difficoltà uniforme nel sentimento della detta conferma, ma venuto il turno al detto Milord, questo non solo non venne nel parere degl' altri, anzi esclamò, che volevano insinuare la maggiore ingiustizia del mundo à S. M^tà, e disse con vehemenza, essendo un huomo ardente, e libero, ch' era appunto un voler rovinare la religione col perdere per sempre quei poveri Cattolici, che non havèvano altra speranza di poter risorgere, che nel governo d' un Rè cosi pio, e giusto, come era quello di S. M^tà, e nel modo proposto, si toglieva loro ogni strada di mai più riaversi delle oppressioni fategli per aver sostenuto la religione, ed il partito del suo Principe. Detto questo la M^tà S. ch' ha l' animo colmo di pietà, e di rettitudine, non volle passare avanti nella deliberazione, e finito il consiglio disse à Milord Triconel, che dovesse essere dalla M^tà S. il giorno sequente, che voleva sentire in particolare tutte le ragioni e tutto lo stato di quelle cose con distinzione; ed egli supplicò la M^tà S. che volesse ordinare à Milord Sunderland d' essere presente, accio che se questo ministro haveva motivi in contrario si dovesse rilevare alla M^tà S., la quale per cosi dire in contradittorio giudizio haverebbe potuto meglio giudicare del fatto; il che S. M^tà havendogli accordato, fù con Milord Sunderland all' hora appontata all' audienza della M^tà S., alla quale havendo rappresentato diffusamente tutte le ragioni ch' assistano alli poveri Cattolici d' Irlanda, con tutti gl' altri riflessi del bene publico che repugnavano allo stablimento delli Heretici, S. M^tà si voltò a Milord Sunderland per sentire quello, che dicesse, il quale rispose in un certo modo mostrando di non havere havute tutte l' instruzzioni necessarie, e ch' in fatti non si poteva rispondere alle ragioni addotte da Milord Triconel, con che terminò la conferenza. La regina poi, ch' haveva qualche premura, che continuasse nel governo di quel Regno Milord Clarendon, persuasa da Madama Rochester moglie del Gran Tesoriere d'Inghilterra, e di lui cognata, per la quale la M^tà S. ha molta stima, ed affezzione, che farebbe sempre apparire il maggior zelo nel servizio di S. M^tà col fare tutto à favore de Cattolici, che sin' hora però non ha mai fatto anzi tutto il contrario, disse à Milord Triconel, che fosse à parlare con la M^tà S. essendo il detto Milord molto portato à de il presente V. Rè si richiami, ed egli supplicò la Regina, ch' havesse la bontà, che le parlasse alla presenza del Rè, comè è seguito, nella qual conferenza m' ha detto, che la Regina è rimasta in tal modo appagata delle ragioni di quei Cattolici, e della necessità di levare il V. Rè per la buona direzzione di quelli affari, che s' e fatta parte con il Rè per trovare modo di ristabilirli ne loro beni usurpati, e che si proveda quel regno d' un ministro, il quale habbia à

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cuore gl' avantaggi della religione, che non si puote sperare da quello, che di presente, vi governa, come era stato premisto sin dal principio della suo elezzione, ma il Rè haveva sempre creduto, che paressere sua creatura, e con il stretto attaccamento della parentela dovessi far' sempre apparire in tutte le sue azzioni un zelo corrispondente per il suo real servizio, con che presto sara richiamato, e facilmente si mandera l' istesso Milord Triconel per dare sesto al governo per qualche mese, mentre egli dice, che non potrebbe continuare longamente essendogli molto contrario il clima de quel paese massime non godendo presentemente molto parfetta la salute. . . . . .

6 Decembre, 1686.

. . . Milord Sunderland havendomi tenuto discorso sopra gl' affari correnti, mi disse, che stimava, ch' il parlamento si terrebbe senza maggior dilazione à febraio prossimo, sperando insieme, che le cose sarebbero disposte in modo d' attenderne un buon successo, al qual effetto S. M^tà era risoluta di far una riforma di soggetti nella casa reale, non solo di quelli, ch' hanno li sentimenti opposti alli disegni della M^tà S., ma di quelli ancora ch' astutamente pretendono di vivere nell' indifferenza, accioche ogn' uno resti persuaso, che non si vuol' permettere ad alcuno il modo di godere il benefizio delle cariche, e d' altre convenienza per doversene abusare in svantaggio publico, e contro il proprio dovere, e senza ch' abbino ad essere intieramente e con impegno nelle stesse misure, che piglia la M^tà S. per il maggior bene de suoi Regni. Questo apparentemente sarà un mezzo proprio di far determinare molti à prendere il buon partito, facendosi palese la volenta risoluta di S. M^tà di non voler ammettere quelli che quà sono chiamati c l nome di êremer, che se non fanno positivamente del male, non lasciano di causarlo grandissimo con l' opinione, che si forma della gente, ch' essendo tollerata la negligenza nelli ministri, e servitori attuali della M^tà S., ò non si voglia procedere con risoluzione nell' avanzamenta del grand' affare, ò almeno non vi sia, che temere dal contenersi ne limiti dell' indifferenza ed intanto non si pregiudicare con alcun' impegno, che potesse far' dispiacere al successore presuntivo, destreggiando dicono con la corrente del tempo, che passarà, ed infatti è verissimo, che li momenti sono preziosi per dovergli impiegare tutti senza perdere alcuno nel progresso della s^ta opera. Il ditto Milord mostra un gran vigore, ed è persuaso, che non vi sia, che temere in contò alcuno di torbido interiore, con le forze, che S. M^tà hà in piedi sufficienti à tenere in dovere tutto il regno, ed havendo S. M^tà la forma di mantenerle per longo tempo puol' attendere dal parlamento nuovi sussidij, le quali sarà per conseguire più facilm^te non trovandosi in necessità, mentre in altro modo s' entrarebbe à voler far patti, come è seguito ne tempi passati à costo della reale prerogativa, dicendò, che la constituzione del paese è, che si come il popolo è portato à contraporsi all' autorità regia, cosi quando per questa parte si tiene fermo con la stessa facilità, si cede, dall' altra, e le rivoluzioni funeste degl' anni scorsi haver havuta origine dalla debolezza del governo. . . . . .

APPENDIX I.

7 Febraio, 1687.

. . . Passò poi S. M^tà à parlare della missione del Sig^r Disfelt inviato straordinario d' Olanda che s' attende in breve, dicendomi, ch' il pretesto della sua venuta è per chiarirsi di tante gelosie, che s' apprendono cola dall' armato navale, che si fa in questo regno, e dalla pretesa intelligenza secreta con la Francia à pregiudizio delli Stati Generali, ma ch' il vero disegno sia che dall' affare d' Irlanda cosi ben incaminato con la deputazione di Milord Triconel, e dalla dimissione del Gran Tesoriere dalla sua carica, e dalle altre misure, che prende la M^tà S. in proseguimento de suoi disegni, essendosi rotte tutte quelle del Principe d' Oranges, questo voglia procurare in ogni modo di rimettersi nella buona grazia della M^tà S. à condizione però, che sia la M^tà S. quella, che faccia à modo del Principe, en non al contrario come sarebbe il dovere, e quando questo non possa riuscirle secondo le di lui intenzioni, fomentare un partito nella corte, e nella citta, per far nascere de torbidi e seminare dissensioni per la mala riuscita del Parlamento, aggiongendo S. M^tà, ch' il detto, principe sia un huomo testardo, ed un Calvinista finissimo, che farà ogni cosa per opporsi alla religione Cattolica; disse però, che restava sodisfatto della persona, che si mandava, essendo soggetto d' esperienza, e di ragione, ed esser' vantaggio di trattare con quelli, ch' hanno capacità ed intendimento, e non ricorrono litteralmente alle instruzzioni ed ordini de suoi Padroni, senza ch' habbino le dovute informazioni. . . . . .

Della medesima lettera.

Milord Sunderland fu hieri mattina à trovarmi à casa, e volse darmi una piena informazione dello stato, in cui sono presentemente gl' affari, la quale si riduce in sostenza à quello, che m' ha detto la M^tà S., ma spiegato più diffusamente, dicendomi, che nella camera alta si poteva far' conto di centoventi voti, li quali si dividessero in trè parti, una per la M^tà del Rè, l'altra contraria, e la terza ambigua, sopra di cui si facevano hora le diligenze per guadagnarne il maggior numero, e col modo, che hora si tiene dalla M^tà S., stimava assolumente che vincerebbe il buon partito: diceva, che nella camera bassa si faceva capitale di ducento voti sicuri, e similmente si travagliava ad aumentarli, supponendo però, che guadagnata quella de Sig. non fosse il più difficile di tirare in consenso l'altra de Communi. Aggionse il racconto de pregiudizij ch' haveva fatti Milord Tesoriere nel tempo del suo favore, e che hora si levarebbero anco di posto alcuni suoi parziali sostenuti da esso nella corte, che sono contrarij alle intenzioni di S. M^tà, mi disse, che si darebbe à Milord Arundel Cattolico il Privato Sigillo, posto di considerazione, hora godato da Milord Clarendon, che ritorna dal governo d' Irlanda. Le indefesse applicazioni della M^tà S., che penza notte e giorno all' augumento della vera religione, secondate da quelle de suoi fedeli Ministri, dannò luogo à sperare con l' assistenza del Signor Iddio, ogni buon successo, non lasciandosi da parte alcun mezatto à facilitarne la riuscita. . . . . .

APPENDIX I.

21 Marzo, 1687.

Sicome le applicazioni incessanti di S. M^tà sono rivolte à riconoscere il fondo delle intenzioni di tutti quelli, che devono comporre le Camere del Parlamento, cose và purgando la corte, e l' armata da cattivi humori quanto è possibile; si vede però in questo affare sin dove puol giongere l'ingratitudine, e la maliziosa ostinazione, e ne è un gran esempio il Sig^r Sibert contr' Armiraglio del mare, elevato dalla M^tà S. dalla polvere ad una carica cosi conspicua, ed honorato di altre due di gran profitto e stima, e protetto sempre de S. M^tà con special modo anco ne tempi passati, nondimeno hà havuto l'audacia di ripugnare alli giustissimi sentimenti di S. M^tà, la quale contava sopra questo soggetto, come fosse errore di dubitare della sua fede, quando era stato eletto membro del Parlamento per ordine particolare della M^tà S., onde giustamente indignata gl' ha levate le dette cariche, una delle quali, che è quella di maestro della privata guardarobba, mi ha detto Milord Sunderland, che S. M^tà l' habbi destinata, anche con gli buoni uffici del detto Milord, à favore di Milord Tomas Houvard nipote del Sig^r Cardinale. Hà pure S. M^tà levata la chiave di Vice Chambellano al fratello del Marchese di Alifax, e sostituito ad esso il Cavaglier Porter buon Cattolico: A Milord Clarandon ancora fratello del deposto Gran Tesoriere, ritornato ultimamente d' Irlanda, S. M^tà gl' ha levato il Privato Sigillo e datolo à Milord Arundel ottimo Cattolico, e Sig^r di gran credito ed esperienza, il quale conserva la vivacità del suo spirito, e vigore delle forze nell' età di sopra ottanta anni, come se non ne havesse piu di quaranta. A Milord Poes Cattolico e Sig^r molto ricco S. M^tà hà dato il titolo di Marchese, grazia molto stimata per essere il terzo Marchese del regno: onde tutti quei Sig^ri, che anni sono, furono posti nella torre di Londra con disegno di farli morire in odio della Religione Cattolica, si trovano hora esaltati con Cariche, ed honori particolari con admirabile providenza del Sig^r, dalla di cui infinita misericordia speraremo l' avanzamento, e perfezzione della grande opera. Milord Sunderland mi hà parlato con grand' indignazione del fatto del detto Sibert, esagerando la sua ingratitudine ed indegnità, e poi m' ha detto, che voleva trovarsi meco uno di questi giorni per darmi conto di tutto lo stato presente delli affari; in tanto mi diceva in gran confidenza, che non si terrebbe il Parlamento al tempo prefisso senza spiegarne li motivi per non esservi tempo, ma quasi accennò, che si potesse in fine ridurre la cosa à prendere la stessa rivoluzione di Scotia per la libertà di conscienza, nondimeno non havendo detto, che si cassarebbe il Parlamento, ma che si proseguisce nel modo cominciato di procurare la pluralità de voti, ed il numero essendo grand ci vuole più tempo di quello, che da principio si supponeva per fare le diligenze esatte, si deve credere, che siamo in camino di sperare di conseguire l' intento, però esservi insieme più difficoltà, ed opposizioni di quello, che forsi credeva la M^tà S. e li suoi ministri, doppo d' haver penetrato più al fondo le intenzioni de Parlamentarij: mi disse qualche cosa ancora della missione del Sig^r Dikfelt, che non era con intenzione di produrre buoni effetti, li quali si non potevano attendere dalla condotta del Principe d' Oranges, e che

il detto Sig^r Dikfelt haveva lettere per lui Milord delli Stati Generali, e del Principe d' Oranges, ma sin' hora non haverglile presentate, ne esser si visto seco il detto ministro, che in complimento. . . . . 4 Aple, 1687.

. . . Viene appreso uniformemente, che l'intenzione di S. M^tà sia stata di fare in modo, che le forze de settarij si dividano, ed il consenso, che sin' hora pare, ch' abbino dimostrato unitamente nell' opposi alli giusti disegni della M^tà S., venga à sciogliersi con questa apparente gratificazione per li Nonconformiste, à cui seguirà la diminuzione, ed abattimento dell' partito Anglicano, il quale non ostante l'attacamento che si vanta d' havere sempre mantenuto alla Monarchia, ed alla casa reale, in questa occasione s' è mostrato sommamente renitente e contumace, essendo composto il Parlamento per la maggior' parte di membri che professano la Religione Anglicana, e scelti dal cominciamento con gran studio sopra la credenza, che dovessero essere più conformi alli principij della giustizia, e dell'-equità, li quali segue la M^tà S. nel volere che siano rimossi gl' ostacoli, che impediscono alli suoi soggetti Cattolici di poter rendere alcun' servizio alla M^tà S., ed allo stato, anzi di poter' vivere nella Patria, in cui il Sig^r Iddio gl' ha fatti nascere, senza altra opposizione, che quella di professare la vera Religione; sopra tali principij di credere si cerchi la divisione di settarij per ottenere più facilmente il vantaggio delli Cattolici, si fanno dall' altra parte tutti li sforzi per persuadere la constanza, e l' unione trà di essi, la quale nondimeno pare incompatibile per le massime loro tante opposte, come sono quelle de Presbiteriani, il di cui numero è il più forte, e della gente più ricca. Bisogna che il colpo sia ben sensibile, mentre si conosce negl' andamenti loro la perturbazione e perplessità haverne gran parte: si deve sperare in fine, che l' heroico zelo di S. M^tà e la sua gran fermezza saranno secondati dalla divina misericordia con felici successi, non ostante le grandi opposizioni, che s' incontrano. . . . . .

. . . . Milord Sunderland mi hà parlato diffusamente delli buoni effetti, che spera, che sia per produrre in proseguimento di tempo, dando coraggio alli bene inclinati à dichiararsi Cattolici col garantirli da ogn' timore di pene, chè potesse loro essere di ostacolo alla detta dichiarazione, e mortificandosi quelli, che hanno più resistito presentemente alli santi disegne di S. M^tà, che sono gl' Anglicani, ridendosi il detto Milord della stravaganza di questa setta, che ha preteso di fare un composto moderato di tutte le altre; ed intanto non lasciar di fare tutte le diligenze per conseguire nel Parlamento futuro la confermazione della detta libertà, con l'abolizione del Testo, in ordine al quale è uscita una lettera forte di un settario contro la detta pertinàcia delli Anglicani, nella quale trà molti altri fà loro un argomento con dimendare dove sia la fedeltà, che hanno sempre vantata di conservare in tutti li tempi alli Rè passati ed alla Monarchia, se di presente sostengono à tutto potere il Testo, che è stato fatto direttamente contro la M^tà S., e per promovere la sua 18 Aple, 1687.

APPENDIX I.

13 Giugno, 1687.

exclusione del Regno. Si dovranno vedere quanto prima li diversi movimenti che è per causare nell' animo del Popolo secondo le contrarie inclinazioni una dichiarazione, che ne leva la maggior' parte dalla soggettione de ministri Anglicani, che favevano mercanzia sopra le leggi fatte contro li Nonconformisti.

Il Signor Dikfelt, Ministro d'Olanda, è finalmente partito di ritorno verso li Stati Generali, e prima di partire fù li giorni passati a Vindsor per far riverenza alla M^tà S., la quale non lascio per ultimo di spiegargli con la solita sua fermezza e risoluzione chiaramente li suoi reali sensi, principalmente in ordine à levare li giuramenti ed il testo, essendo questo il capo della resistenza de gl' heretici, che chiamano argine della loro Religione; dicendogli, che assolutamente voleva togliere di mezzo questo ostacolo, ed haverebbe per sciogliere nello stesso modo anco il secondo, ed il terzo, se bisogno ve ne fosse, conchiudendo che non vi erano espedienti à proporre sopra di questo ponto, e che il testo si levarebbe. Da questo modo risoluto di parlere del Rè havera ben dovuto comprendere il detto Ministro, che S. M^tà sara per riguardare molto da vicino gl' andamenti del Principe d' Oranges, quando pretendesse d' opporsi alli giusti disegni della M^tà S. col fomentare le parzialità e le diffidenze in questo regno. In ordine à che mi vien referto, che il detto Sig^r Dikfelt si sia ultimamente espresso con li amici suoi, che partiva molto contento, e sodisfatto d' Inghilterra per haver ritrovato in buona parte di questi Sig^ri un attaccamento, ed una passione straordinaria per gl' interessi del Principe, quale si poteva mai desiderare, come per essere sicuro di un gran partito: nello stesso tempo però sento, che essendo pervenute tali dichiarazioni alla notizia delli direttori principali della parte contraria alle s^te Regie intenzioni, habbino prodotto un' effetto opposto à quello del detto Ministro; perche sono state ricevute da essi con indignazione, come riflessive sopra la loro fedeltà; e se ne sono dolsuti, dicendo non essere in Inghilterra altro partito, che quello del Rè, e se ben' vi erano delle differenze interiori, essere queste considerazioni particolari, e che riguardano la loro Religione, ma non percio doversi intendere di fare un partito del Principe, il quale in ogni caso sarebbe stato trattato come il Duca di Monmouth, se havesse alcun pensiere rivolto alle novità . . . . . .

20 Giugno, 1687.

. . . . . Disse poi che voleva informarmi dello stato presente delle cose e delle dispositioni, che si andavano preparando per l' avanzamento delli s^ti dissegni di S. M^tà, con le rissolutioni già prese à questo fine. Cominciò dalla condotta tenuta dal Sig^r Dikfelt nel tempo della sua permanenza in questa Corte, discorrendo sopra la durezza del Principe d' Oranges, in nome del quale agiva questo ministro, opponendosi alle giuste intenzioni di S. M^tà, massime nelli due ponti principali delle leggi penali, e del testo, col principio di non si poter fidare delli Cattolici, li quali augmentandosi, e pigliando forza, nel caso della morte del Rè si opporrebbero alla successione

del Principe, e abbracciando il partito delli Nonconformisti, li quali sono inclinati ad una Republica, ò entrando ne gl' interessi della Francia totalte opposti à quello del dº Principe, ed in qualunque modo esser evidente il pericolo della Monarchia, ed in conseguenza sicuro il proprio pregiuditio ; disse della pena, che con estrema bontà si era presa più volte la Mtà S. di voler vendere capace il Sigr Dikfelt con le ragioni più palpabili dell' inganno ed errore, in cui era, à ponto per ponto, sopra la falsità di tali principij, ma non haver operato niente, in maniera, ch' era poi stata obligata la S. Mtà à dirgli chiaramente li suoi sensi nell' ultima audienza, come mi sono dato l'honore di riferire à V. E. Questo modo di condursi del Sigr Dikfelt diede motivo à S. Mtà di far scrivere una lettera al suo Ministro all' Haya con una piena informatione delle misure che prendeva la Mtà S., fondate in una somma giustitia, con evidenza che non fossero per pregiudicare in alcun' conto à gl' interessi del Principe, ma più tosto, che dovessero essere ricordate da lui per un commune vantaggio. Milord mi disse, che voleva leggermi questa lettera, con la risposta che era à punto venuta dall' Haya, con che fù à prenderle nel gabinetto ; e me le lisse, traducendo le dall' Inglese idioma nel Francese. La prima conteneva li sensi soprad' spiegati cosi bene, che pareva la sola lettera mostrata al Principe bastante à convincere il di lui animo senz' altra ripresentatione ; la risposta diceva in sostanza, che il Ministro di S. Mtà essendo andato all' audienza del Principe haveva stimato di dover leggere la stessa lettera à sua Hª, apporgendo tutte le raggioni, chehaveva sapute per desinganarla, e fargliele comprendere, come si persuadeva che fosse per riuscir facile nell' animo di chi tiene alcun' affetto, ed inclinatione per la giusticia, ma che in fine il Principe si era dichiarato rissolumente à non poter mai consentire, che si levassero li leggi penali ed il Testo. Essendo poi passato all' audienza della Principessa fece seco le medesime parti, e l' Hª si espresse, che veª non intendeva molto queste cose, e che le doleva infinitª di far alcun' passo, che non fosse intierte del gusto del Rè, suo padre, ma sperava, che in un affare di conscienza, non prenderebbe la Mtà S. in mala parte, che ne vesuisse gl' impulsi senza spiegarsi maggioramente. Ponderate dunque da S. Mtà queste dichiarationi, e conoscendo che la principal confidenza del Principe sia riposta nel partito degl' Anglicani sopra il suo creder fisso che dal sostenerlo sia per dipendere la sicurezza della sua successione, e che in alcun' altro modo si esponga al pericole di perderla per li motivi adotti che li Nonconformisti siano per una Republica, considerando insieme S. Mtà che il presente Parlamento sia composto nelle maggiore parte di settarij Anglicani, è venuta in rissolutione per rompere tutte le dette misure di cassarle e convocarne un altro ; ma prima di ciò vuol di nuovo S. Mtà far un esperienza esplorando li sentimenti di alcuni capi Parlamentarij che sono in cariche, alli quali non hà ancor parlato, per esiggere da loro una positiva dichiaratione di quello che sentono in ordine alli ponti sopra detti, più tosto per levarsi di mezzo questi ostacoli, privando li delli ufficij, e cariche, che con speranza di guadagnarli, e fatto questo che in breve si porra in essecutª, quanto

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si conosca disperato il caso, come si suppone senza dubbio si sciogliera il Parlamento, e si procederà all' elettione di un altro con la preventione di mutare nelle provincie molti Magistrati, che sono hora della med^a liga, ed altri uffiali, da quali dipende in buona parte l' elettione de Membri, che devono comporre la Camera Bassa; e quanto alla Camera Alta, che è sempre la medes^a, si pensa di usare del potere che stà in mano di S. M^tà, creando nuovi Pari del Regno, quanto si veda, che gl' altri modi di redurla al buono senso rieschino senza frutto, che nondimeno si tentarano tutti prima di giongere à questo passo, il quale non lascia di savere le sue difficoltà. Onde da tutte queste dispositioni, e dall' applauso universale, con cui è stata ricevuta dalla maggior parte la libertà di conscienza, si spera che S. M^tà finalmente conseguira l'intento ed havera un Parlamento conforme all s^ti suoi dissegni; e se fosse licito di far pronostici in queste materie tanto contingenti, pare indubitato, che con l'autorità in cui si trova present^e la M^tà S. sostenuta da una buona armata, con l'affettione di popoli conciliatate insign^e dalla libertà conceduta, e con una volunta efficace di prosseguire l'impresa incominciata assistita da un corraggio e fermezza summa, qualità proprie della M^tà S., si habbino con l'assistenza del Signore à superare in fine tutte le difficoltà e dare un stabilimento sodo alla vera Religione per ogni tempo avenire. . . . . .

27 Giugno, 1687.

. . . . . Le persistenze del Principe d' Oranges in non voler secondare le giusti dissegni di S. M^tà in ordine alle leggi penali, ed il Testo, sono ancora più tenaci dopò l' arrivo cola del Sig^r Dikfelt, il quale deve havergli confermate le stesse male impressioni, che egli hà mostrato di havere prima di partirsi di quà, ed il d^to Principe ha con sua lettera particolare autenticati à S. M^tà tali suoi sentimenti, accio che, non si havesse più à dubitarne, accompagnandoli pensi con molte sense, e sommissioni, ma in sostenza fa vedere chiar^e, che è inutile lo sperare alcuna mutatione di dettame, ò cosa buona dalla di lui condotta, onde tanto più quà si è in obligo di pensare alli mezzi più proprij per precautionarsi in ogni tempo da chi mostra tanto da lontano, come si spera il malanimo, che nudrisce contro della vera Religione, e di chi la professa, per ciò si persiste nella rissolutione di cassare il presente Parlamento quanto prima, e con tal passo si crede di rompere interi^e le misure contrarie prese dal voler sostenere il partito Anglicano, di cui è composto il medesimo. Questo è un discorso tenuto da Milord Sunderland, col quale havendo toccato l' affare del Quartiere *549i346346359i464i4*, che in Francia non *i8587i5288* me disse, che stimava assolumente si sarebbe venuto a maggiori estremità, perche oltre di essere la cosa per se tanto ingiusta, credeva che non si fosse in stato d' intraprendere impegni di questa natura senza poterne prevedere la riuscita. . . . . .

16 Luglio, 1687.

. . . . . Passò la M^tà S. à dire che teneva aviso ben fondato, che si travagliasse da molti Principe Heretici all' unione d' una lega per fatto di Reli-

gione, e contraporsi alli avantaggi della Cattolica, che si speravano in questi regni, havendo in mira la Francia, e più l' Inghil[a], esserne il Principe d' Oranges il premotore principale, e poi l' Elettore di Brandeburgo con la casa di Brunsvich, alli quali si sarebbe aggiunto la Suebia e forse in apresso la Danimarca; dicendo di più, che li Spagnoli ancora vi potevano dar mano lusingando il Principe come creduto il maggior inimico della Francia, con la speranza di migliorare la loro conditione. Ponderò la M[tà] S. la gravezza del fatto, e quanto era necessario di star ben attento à cercare tutti li mezzi per evitare un si gran male, se venisse à stringersi il negotio, e scoppiare il turbine, m' impose, in fine, di portarne la riverente notizia à nostro Sig[e], accio che si la S[ta] S. giudicasse d' impiegare li suoi paterni ufficii con li Austriaci, potesse valerse ne come stimarebbe più proprio. . . . . .

. . . . . Parlò in apresso Sa. M[tà] con indignatione del Duca de Somerset, che si è scusato per non essere contumace di una legge, che vieta simili communicationi col timore di non perdere li suoi beni ne' tempi à venire, e diffose long[e] sopra questo sogetto, il fatto è, che hora tutti lo biasimano non viene perciò creduto miglior Anglicano; hà intāto perdute molte belle cariche e di profitte, che godeva dalla regia beneficenza, e S. M[tà] mi disse hiersera che li parenti principali del d° Somerset erano venuti à porsi à suoi piedi detestando la di lui attione, e per assicurarla, che non vi havevan parte nel consiglio, di cui non erano stati ricercati in alcun modo. . . . . Della medesima lettera.

. . . Sa M[tà] del Rè mi disse prima di partire, che in Olanda erano stati grand[e] sorpresi della cassa[te] del Parlamento, ed haver dato impulso à sospendere la rissolutione, che havevan presa di perseguitare in quelle provincie li Cattolici, e massime gl' eclesiastici; confermò in apresso che si studiasse dal Principe all' unione della riferita lega, aggiōgendo, che egli era capace di venire ad ogni estremità, e che li Spagnoli dovevan mirar bene à quel che facevano, mentre trattanuto con uno, che li haverebbe inviluppati in grandis[i] imbrogli; disse ancora, che il d° Principe haveva ricusati due sogetti Cattolici proposti da S. M[tà] per mettere nelle truppe Inglesi, à solo titolo della loro religione, onde S. M. per il cumulo di tutte queste amerezze pareva molto essacerbato, ed è ben facile, che il Principe s' inganni assai nelle proprie misure anco à riguardo delli stessi interessi, che egli crede di meglio assicurare con le medesime. 21 Luglio, 1687.

Estato à trovarmi li giorni passati Milord Sunderland, e mi hà voluto dare una distinta informatione dello stato presente de gli affari. In primo luogo disse che aveva representate al Rè prima di cassar il Parlamento tutte le riflezioni che potevano cadere sopra di una cosi importante rissolutione, essendo d' un gran peso, e conseguenza, il rompere apertame[e] con un partito intiero, come era quello de gl' Anglicani, sostenuto dalle leggi, e supporto della monarchia, à cui si era sempre constant[e] attacato. Le considerationi principali erano, che dal scioglierlo si venivano ad eludere tutti gl' intrighi 8 Agosto, 1687.

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del Principe d' Oranges, il quale sicome credeva di assicurare unic^te li suoi interessi col sostenere quelli della religione Anglicana e farsene protettore, cosi questi nell' appoggiare le parti del Principe fondavano la propria siccurezza, e duratione, onde non esservi che sperare da questi in ordine à togliere di mezzo le leggi penali, ed il testo, creduti argini forti, e difese necessarie alla propria conservatione, à questo si aggiongeva, che si sarebbe posta in controversia la decisione de' giudici à favore della prerogativa regia per la facolta di dispensare da giuramenti, in vigore della quale tanti Cattolici erano entrati nelle cariche, dal che ne sarebbero rissoluti molti disturbi, e conseguenze perniciose; dall' altra parte si poteva promettere S. M. dal med^o Parlamento ogni assistenza maggiore di denaro, e di ogn' altra cosa in qual si voglia bisogno del regno, e che la M. S. fosse obligata di entrare in una guerra straniera ponderando il caso possibile della morte del Rè di Spagna senza successione, nel quale la sola Ingh^a potrebbe, e dovrebbe impedire una soversione universale delle cose, e che non soccombessero alla dominatione di un solo esser ben vero, che non tartarebbero forze ordinarie ma necessitarsi tutte quelle del regno per contropesare una potenza, che si volesse rendere formidabile, e superiore à costo delle altre dell' Europa. Questi e simili vantaggi non doversi attendere d' un nuovo Parlamento composto di Nonconformisti nutrendo per li loro principij sentimenti total^e contrarij alla monarchia, ed alla autorità regia; e per il fatto della religione, non vi sarebbero entrati se non quanto poteva la loro convenienza, ed interesse, che era di vivere bensè con la libertà concessa loro; ma per altro odiavano li Cattolici havendo le stesse gelosie di tutti, percio haverebbero voluto limitare in ogni maniera le loro cõcessioni, e far solo tanto quanto gli paresse competente alli proprij dettami, per non mettere li Cattolici in stato, come dicono, di servirsi delle stesse armi à pregiudicio di chi le darebbe loro nelle mani.

Considerato dunque tutto ciò matur^e da S. M^tà, haveva rissoluto di cassare un Parlamento dal quale non vedeva luogo di sperare un corrispondente consenzo ne suoi S^ti dissegni, havendo bilanciate tutte le altre convenienze di gran longa inferiori alla principale che è l' avanzamento della religione Cattolica. Posto questo diceva, che hora tutte le misure dovevan esser indrizzate à travagliar util^te per l' elettione del nuovo Parlamento, e procurare di cavarne tutti li vantaggi possibili, studiando à questo fine di entrare in una buona corrispondenza col medezimo quanto si potrà, mentre da questo dipende ogni buon successo; considerava, che dopo esser perso il partito Anglicano conveniva di destruggiare, e proteggere in ogni modo l' altro qualunque fosse per non esporsi ad una intiera alienatione del regno, e ritrovarsi in una necessità di dover mettere tutta la confidenza nell' armata, di cui non se ne potrebbe forse all' occasione fare il capital conveniente quando riconoscesse la medesima necessità di dipendere dalle sue forze.

Intanto per scoprire l' animo delli settarij con li sensi loro, è prendere coher^ent^e le misure necessarie si era portato lui Milord espres^ à farvi le dovute

pratiche, e diligenze, e disse di haver riconosciuto esservi tre pareri diversi fra li medesimi in ordine alli Cattolici; il p^o^ delli fanatici, che era di levare le leggi penali solam^e^ mantenendo il testo, che esclude tutti li Cattolici da ogni sorte di cariche; il secondo di altro genere di fanatici, ed independenti, e di admettere li Cattolici alle cariche, ma che non entrassero nel Parlamento; il terzo delli Presbiteriani è di accordare tutto il soprad^o^ con di più levare il testo, che esclude li Cattolici dalla Camera Alta, mantenendo il testo antico di supremacia, ed allegiance, che dal tempo della Regina Elisabetta hà tenuti esclusi li Cattolici dalla Camera Bassa; aggionse il quarto parere de Cattolici, che S. M. si facesse entrare ambedue le camere con la regia dispensa sperando col numero de medesimi di assicurare il partito, e conseguire ogni cosa che si proponesse, ma in questo ultimo esser vitali difficoltà, che pareva impossibile di ridurlo in pratica, e S. M. medesima l' haveva ritrovato o sentito troppo pericoloso, perche si sarebbe dato luogo aponto ad una commotione universale nel p^o^ ingresso del Parlamento, che haverebbe voluto discutere sopra la solidità della dispenza con rischio evidente di rovinare ogni cosa e di doverlo cassare alla prima sessione; in fine mi disse, che haveva voluto significarmi tutto ciò non havendo parlato con persona alcuna, se non con S. M., e mi faceva instanza che vi pensassi qualche giorno, e che poi ne haveressimo parlato insieme aggiongendo, per un effetto di bontà, che voleva conformarsi con i miei sentimenti per quello che dovesse fare. Corrisposi nel modo che seppi in ringratiarlo, e commendare il suo zelo per la causa publica, e servitio del Rè, assicurandolo del special grandimento di nostro Signore, intanto non lascio di pregare cald^e^ Iddio accioche si degni inspirare al Rè, ed al suo ministro principale, li mezzi più conformi per la buona direttione di un affare tanto importante, insieme pago le mie deboli orationi à S. D. M^tà^, perche si degni concedermi qualche lume in occasione di dover discorrere sopra di questo mentre è tanto difficile anco con tutte le nationi particolari, ed individuali de gl' interessi diversi, che compongono la machina, di sciegliere il più espediente ad un buon fine, e molto più quando non si hanno. Per quello che ho potuto riconoscere dal discorso, ho creduto Milord Sunderland inclinato ad aplicare à qualcheduno de partiti proposti, quando pure si potessero conseguire, col principio, che sia meglio di far un passo per volta, che stan fermo in voler tutto, per non ottenere poi niente. Il ponto sarà di vedere in fatti, se doppo di haver fatte tutte le deligenze che sono necessarie, si riconosca assolutu^e^ impossibile di conseguire di un colpo quanto si desidera, ed in questo caso sarà sempre più vantaggio di avanzare quanto si può, che di fermarsi ne presenti termini ne quali tutto dipende dalla vita del Rè, il quale venendo à mancare, che Dio non voglia, la religione Cattolica sarebbe nel peggior stato di mai, e perciò li nostri inimici non cercano che di guadagnar tempo, il conoscere questa impossibilità del contrario dipende dalle notizie interiori, che haverà el Rè, e li suoi ministri, doppo che haveranno minut^e^ ricercato il fondo di tutto.

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22 Agosto, 1687.

. . . . Essendomi portato la sera dello stesso giorno alla Corte con dissegno di suplicare S. M. per un audienza, ed essendo à quest' effetto entrato dove si trattengono le M. M. loro dopo cena, il Rè havendomi visto, mi chiamò à parte, e mi disse, che il M^e di Albeville havendo gli fatta una distinta relatione de gl' affari d' Olanda, gl' haveva insieme communicata un aperta dichiarat^e fatta dal Principe d' Oranges, di non voler admettere nelle truppe Inglesi alcun Cattolico ne officiale, ne soldato semplice, e che mostrava sempre più una total aversione per tutto quello, che si poteva far di bene in Ingh^a, e di più che stava applicatis^o à promovere la riferita lega de principi heretici; onde diceva S. M. essere necessario di star ben attento per evitare un torbido di questa sorte, considerando ancora, che li Spagnoli potevan lasciarsi attogliere dal desiderio, che hanno di vindicarsi della Francia, ed intrare unit^e nel ballo; disse ben conoscere, che niuno hà più interesse della M. S. di non lasciare aggrandire maggior^te la Francia, ma non perciò doversi esporre la religione e la Christianità ad un incendio tale, qual si preparava. Disse poi, che vedeva sempre più le grandis^e difficoltà che porta e portarebbe l' Olanda allo stabilimento della religione Cattolica in questi regni, ed uscì in dire che bisognava abbassarne la superbia, aggiõgendo che mi parlarebbe à longo sopra di tutto questo, non essendovi all'hora tempo. . . . . .

Della medesima lettera.

. . . Hieri doppo pranso fù à trovar mi il M^e di Albeville, il quale mi disse molte cose delle male procedure di gl' Olandesi, e delle grandi oppositioni, che faranno sempre all' avanzamento della religione Cattolica in questi regni, e conchiuse, che non vi era altro modo di venirne ad un fine, che col' abbattere l' orgoglio de medesimi essendo tutte le altre strade inutili, ed insufficienti per il buon successo della grand' opera. . . . . .

10 8bre, 1687.

. . . . S. M. ne ha ricevute con dolore la notitia, e tanto più quanto pare, che il grand bene, che fa la M. S. in questi suoi regni ne sia una principal c . . . attribuendosi in quanto puote alli santi dissegni del Rè, credendo, con la sua prava politica di assicurarsi il camino al trono reale . . . à cui con ansia aspira, e gli pare di esserne già in possesso; ma non prevede forsi le contingenze dell' asito, alle quali è sottoposto il di lui pernicioso consiglio, e non considera, che vi è una mano omnipotente per abbatere la superbia de gl' huomini. . . . . .

Della medesima lettera.

. . . Mi darò l' honore di rapresentare à V. E., che questo ministro mi hà fatto più volte un idea tale dall' ambitione del Principe d' Oranges, e de suoi pensieri rivolti alle novità, che gli crede che convenga di anticipare per rompere li di lui misure, essendo persuaso, che non vi sia altro mezzo per riparare li danni, che egli prevede dover seguire alla Christianità, che con prevenirlo, e procurar di abbattere una potenza, che puote rendersi col tempo formidabile, e pericolosa à tutto il Christianesimo, considerando non solo la straord^a aplicatione, che ha di formar una lega di principi heretici, e quella di

opporsi quanto puote al progresso della religione in questi regni, ma ancora il tempo à venire nel caso della successione à questa corona, che il Sig^r non voglia, mentre utile le due potenze d' Ingh^a e d' Olanda sarebbero patrone del mare, ed in conseguenza crede, che potrebbero dar la legge à gl' altri principi della Christianità con pericolo ancora di vedere un giorno un Imperatore Protestante. . . . . .

. . . . Ho rapresentati à Milord Sunderland li sensi paterni de N. S^re in ordine all' instanze Regie, che le sono state portate per qualche sovenim^to in benficio di quelli, che quà si convertono, rimostrandogli à longo con il vivis^o desiderio che haverebbe havuto la S^ta S. di poter compiacere S. M. in una cosa alla qual' oltre la consideration' singolare di grandi meriti della M. S. sarebbe portata dal suo paterno zelo per promovere in tutte le forme il ristabilimento della religion' Cattolica in questi regni, un egual dispiacere di vedersi impossibilitata al presente dall' angusti della Camera Ap^ca, come procurai di fargli comprendere con la deduttione de' particolari essausta per le largh^e assistenze sominstrate sin hora all' Imperatore, e principi collegati nella guerra contro del Turco, à poter fare verso della M. S. quello, che farebbe in miglior congiontura. . . . . 2 Gennajo, 1688.

Mi sono pervenute in questa settimana due benignis^e lettere di V. E. in data delli 20 e 27 di X^bre passato ; è uscita alla stampa in lingua Inglese una pretesa lettera del Pensionario Fagel d' Olanda, in risposta di un altra scritagli da un sogetto di quà: in cui si suppone lo richiedese li sentimenti del Principe e Principessa d' Oranges in ordine à levare il testo e le leggi penali ; vengono dunque spiegati diffus^te nella lettera piena di veleno li sensi perniciosi delli detti principi, col mostrare in qualche parte sembienza di moderatione à favore de' Cattolici, insinuando di approvare bensi, che si levino di mezzo quelle leggi più, che possino mettersi al coperto di ogni persecutione, ma insistendo acremente che si debbō chiudere loro il passo ad entrare à parte del governo, ò in alcun altro impiego, in modo che la religione stabilita per le leggi, che è la Protestante, sia non solo mantenuta nel suo intiero, ma fuor di ogni dubbio di poter ricevere mai alcun pregiuditio dalle innovationi che si pretendono di fare, perciò doversi mantenere il testo come un antemurale della S^ta religione. Questa lettera viene riputata da molti per finta, ma altri non hanno difficoltà di crederla per vera, essendo già troppo noti li sensi del Principe in ordine à questo affare, e spiegati apert^e ad ogn' uno dal Sig^r Diskfelt, quando fu in questa Corte, ed al Sig^r M^e di Albeville, ministro di S. M. in Olanda, onde comunque sia la lettera, è da qualsisia parte, che ne derivi il perverso tenore, viene molto à contratempo in queste congionture, che si fanno le diligenze per il nuovo Parlamento, causando impressioni, e timori nel popolo gia troppo adombrato per le continue influenze, che gli vengono date in oppositione di S^ti dissegni del Rè, il quale nondimeno, col suo heroico 23 Gennajo, 1688.

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zelo, hà l' animo superiore à tutte le difficoltà, ed hà ottime speranze per la grande confidenza che tiene nella divina misericordia, di dovere riuscire con felice successo. . . . . .

20 Febrajo, 1688.

La sera di sabbato scorsa al circolo della Regina la M. del Rè intrò meco in discorso sopra l' haver richiamati li sei reg^ti d'Olanda, ed insieme si dolse della condotto delli Stati Generali in ordine al Burnet ribelle della M. S. come posita^te contraria al trattato di pace tra le due potenzè, e riferi li termini del trattato, che era di consegnare ò bandire li rebelli di questo regno, che si ritirassero in Olanda, sopra di che conchiuse con voce un poco alta da essere udita da che stava vicino, che questo sarebbe stato un giusto pretesto per fargli la guerra, ma non perciò havera l' intentione, e si diffuse in tal proposito. Due giorni doppo nella stessa occasione del circolo, S. M. havendomi visto mi chiamò, ed intrato in una camera interiore mi disse che l'Ambas^r d' Olanda gl' haveva domandata un odienza, in cui haveva rappresentata con grand' inquietudine alla M. S. di essergli stato riferto, che S. M. medesima haveva detto al Nuntio che haveva un giusto pretesta di far la guerra alli Stati, sopra di ch' egli prese quello di addurre tutte le pretese raggioni per appagarn' la M. S., e giustificar li suoi proni sopra l' essere il detto Burnet naturalizato del paese col dritto della borgesia, il quale richiede che si debbano osservare le formalità del processo per venire ad alcuna rissolutione contro di chi possiede tal dritto, e molte altre cos' di questa natura, che non sodisfacevano S. M. la qual fonda l' instanza tutta sopra del trattato; in fine gli disse, che non si ricordava precis^te le parole che havesse detto à me, ma direbbe ben a lui Amb^re li suoi reali sensi, li quali erano, che quando li suoi principali negligessero l' essecut^e de trattati, come facevano present^e, sempre le darebbero giustificato motivo di agir con essi loro ne' modi più forti, ciò nonostante non haver hora intent^ne di far la guerra, pero gli farebbe dar la risposta nelle forme sopra di quella ultim^te data dagl^r Olendesi in questo proposito.

Finito questo discorso disse S. M. ridendo, che questo Signor Amb^re di Spagna gl' haveva fatta havere una copia di lettera del Sig^r M^se di Cogolludo, e che voleva mostrar me la, in questo dire si accostò ad un tavolino, ed havendo tirate dall' soccoccio molte carte, ne havendovi ritrovata la suddetta copia, mi disse, che il giorno seguente me la darebbe, intanto, che il contenuto era con l' instanza fatta à favore del Pre' Pitters, che quelli che scrivevano di quà per questo affare non lo facessero con il vigore che conveniva, e prosegui dicendo che l' Amb^re gli haveva fatta havere per il Pre' Warner suo confessore parendogli tutto ciò come misterioso, nel qual mentre fù avisata per la cena, e passo à prendere la Regina. Il giorno seguente il Rè la diede à vedere à Milord Sunderland, il qual' me ne parlo con la rifless^ne che fosse un artificio di questo Sig^r Amb^re per apporre à lui Milord, che non haveva adempite esatt^te le sue parti nel detto affare del Pre' Pitters, con ch' egli giudicio di parlarne

longa^te a S. M. e dirgli con schiett^a quello che egli ne credeva, di che S. M. restò persuasa, come lo stesso Milord mi hà similm^te detto. La stessa sera S. M. mi diede la sudetta lettera dicendomi, che poi gli la rendessi, con che havendon' tenuta copia, l' hò resa alla M. S., la quall' in tal riscontro mi disse, ch' era una cabala per metter mal' tra Milord Sunderland ed il Pre' Pitters, e non poteva esser altro, e torno à dirmi, ch' l'Amb^re, mesi sono, entrasse da se con la M. S. in discorso del Pre' Pitters, dicendo ch' conosceva molto ben' la Corte di Roma, e lasciasse, che la servirebbe, e conchiuse, che voleva parlarne all' Amb^re. Io pregai la M. S. di non dargli à conoscere, che mi havesse mostrata la lettera per evitare tutti gl' impegni: rispose, che non mi prendessi pena, che non ne parlarebbe. Questo Sig^r Amb^re hà creduto di guadagnar il Pre' Pitters, ed aquistar merito con S. M. ed al contrario sie fabricatò degli imbrogli, e malevolenze che non gli saranno ponto proffittevoli, ne quanto al publico, ne per il privato: intanto spero, che il sig^r norrà cavarne del ben' da questi intrighi, col far almeno riposare le premure Regie per il detto Pre' Pitters nonostante, che siano rissoluti dal medesimo negotio. . . . . .

. . . . . Si dolse del Pr^e d' Oranges, che fosse il più grand nemico de' Cattolici, e poi disse, che ciò nonostante non haveva in animo di far la guerra à gl' Olandesi, ma si questi si movessero, che si difenderebbe, e replicò più volte quest' espressione; parlò del numero de' Cattolici, che si augmentava, e che accrescendosi quello delle capelle nella città nondimeno si trovano sempre ripiene di popolo, disse, che nell' ultima aperta da Pri' Francescani vi si era fatta la professione di un loro Religioso, e che già pareva una città Cattolica; dicendo questo con tal compiacenza prodotta dal suo gran' zelo, che non si puol spiegare con parole sufficiente. . . . . 9 Marzo, 1688.

. . . . Li giorni passati v' è stato un gran dibattimento nel conseglio di S. M. sopra la convocatione del nuovo Parlamento; trovandosi la maggior parte di senzo, che si dovesse convocare presentam^te prima del parto della Regina, con la riflessione, che non si havesse à perdere la congiontura del peso, e credito, che potesse dare la gravidanza della stessa Regina, nel qual tempo l' attentione universale stà rivolta verso di un Principe di Gales, e questa poter essere talmente efficace nell' animo dei sudditi per doverli far concorrere ne' giusti sentimenti di S. M., la quale pareva inclinata à seguire questo parere: è stato di senso contrario Milord Sunderland, il quale considerando la d^a unione del Parlamento come il ponto decisivo di correnti affari, e di tanta conseguenza per ogni sucesso, che sia per risultarne, ò buono ò cattivo, che convenga di haver una morale sicurezza, quanto è possibile, di ben riuscirne prima di convocarlo; dall' altra parte per la cognitione interiore, che hà delle misure che si prendono in questo negotio, con la deduttione dei particolari, ha fatto riconoscere, che le cose non siano ancora in tale stato da poter fondare una probabilità del sucesso, ne essere buon consiglio di rimettere 12 Marzo, 1688.

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alla contingenza del caso un affare tanto importante, dal quale dipende si gran bene, ò gran male, contro il parere di qualch' uno, che diceva, che quando final^te^ il Parlamento non facendo il suo dovere si havesse à sciogliere, il Rè restarebbe ne' termini ne' quali si trova present^e^, e potrebbe prendere altri partiti, in che non conveniva Milord, mentre hora essendosi alienato intier^te^ il partito Anglicano, si fondano tutte le speranze sopra quello de Nonconformisti, de' quali si deve comporre il Parlamento, onde se questo si venisse una volta à disgustare, tutto il regno sarebbe unito in oppositione dell' autorità regia, ne li Cattolici essere di forze sufficiente à poter fare un valevole contrapeso, conchiudendo, che sia necessario di rimettere la detta convocatione, ad un tempo, che tutte le dispositione previe siano poste in opera, come l' importanza del negotio lo richiede. Questo è la sostenza di un longo discorso, che mi ténne hieri lo stesso Milord, che si è risserbato à parteciparme lo stato interiore ed individuale delle cose, che risguardano lo stesso Parlamento.

L' altra sera S. M. dopo haver cenato mi chiamò in disparte e mi disse, che tempo fù che m' haveva motivato di una lega di religione, che si tramava in Olanda promossa dal Principe d' Oranges, della quale horà ne haveva ricevuti riscontri più accertati, che il Principe era quello che sosteneva il Burnet, che il medesimo impediva horà ritorno delle sue truppe con l' intentione di servirsene contro S. M., che il di lui dettame era d' inasprir la in modo con i replicati dispiaceri, dà obligarla ad intrare in una guerra, ma come già mi haveva detto, non si lasciarebbe indurre dalla passione, ò dalle voglie altrui à far quello, che non gli convenisse, e voleva imitare s. s^ta^ nella sofferenza, che in fine veniva assicurata da buona parte, che tutte le misure del Principe fossero per una guerra di religione, ed havere in principal mira l' Inghilterra. Io risposi, che essendo le cose in questo stato, che S. M. mi diceva, bisognava haverne una gran parte dell' obligo alla Francia, che ne felicitarebbe il modo con i presenti suoi comportamenti. S. M. disse, che non ne dubitava, e che il Principe godeva di questi impegni, ma volerne parlare al Amb^re^ di Francia, venendo solo di ricevere la confermatione delle sud^e^ cose. Fù un poco pensativa la M. S., ed poi disse, se li Spagnoli volessero far del bene, sarebbe il tempo di poterlo render grande alla Christianità, e vi aggionse un mà, e poi conchiuse, che haveva un progetto da fare, e con più commodo di tempo voleva communicarmelo, e si ritirò con la Regina. . . . . .

26 Marzo. 1688.

. . . E venuta d' Olanda la seconda risposta con la negativa alla replicata instanza fatta alli Stati con una memoria del Mnro di S. M. all' Haya per conseguire il ritorno delli soldati di questa natione che si trovano in quel servitio. La detta risposta è stata data in scritto, con un longo discorso fondato sù principij falsi e stravaganti, ch' ogni huomo nasca con tal libertà, che possa servirsi della medesima à suo beneplacito per sogettarsi a qual Principe, ò stato, ch' egli torna più in piacere, e sotrarsi à misura d' ogni debito verso del suo sig^re^ natur^e^. Subito gionta S. M. me ne feće una

tal succinta relatione, e poi l' altro hiersera la M. S. mi disse, che questo Amb^re d' Olanda le haveva detto in un audienza havuta il giorno di presentarsi alla M. S. per dilucidare con la spiegat^e la risposta delli Stati, e che S. M. si fosse espressa in poche parole che se havesse à far dar alcuna risposta, ne darebbe tal ordin' al Marchese di Albeville all' Haya, che giudicasse più convenire al suo servitio: disse poi suav^te ch' haveva ordinato di publicarsi una proclamatione, ch' è uscita hieri, in cui si ingionge à tutti li suoi sudditi, che servono alli Olandesi, di doverlo lasciare, e ritornarsen' in Inghi^ra; esser già venuti più di sessanta officiali, tra quali la metà in circa sono Cattolici, in che si era ingannato il Principe d' Oranges lusingandosi che li soli Cattolici si valerebbero della permissione data alli officiali delli sei regimenti di ritornare. . . . . .

. . . . . Similmente con le ultime lettere d' Olanda si è inteso l' arrivo colà del dispaccio regio, che portava il capitolo espresso del trattato riferito con le passate, e segnato in nome delli Stati dal Principe d' Oranges, e che già il sentm^to fosse di dover considerarlo per non valevol' perche non sia stato ratificato, quando per altro non si è mai rivocato in dubbio il valore del detto trattato nell' attual osservanza di altri articoli, il che suplirebbe ad ogni ratificàtion, la qual in questo caso non era giudicata necessaria per non essersi mai praticato in simil sorte di capitolat^ni particolari, onde si vede chiart^te che il Principe d' Oranges che vien riputato il motore di tutte queste stravaganze, fa ogni studio non solo di opporsi direttamente in quanto puot' alli giusti dissegni di S. M., ma insieme pretende vanità di farlo conoscere a tutto il mondo, e pensa di tirare il vantaggio ch' si è proposta da un tal condotta, di assicurarsi più stabilmente il fondamento delle sue vane speranze.

Della medesima lettera.

Ho ricevuti in questa settimana due benignis^i spacci di V. E. in data d' 28 de Feb^io e 6 de Marzo con una lettera, ed una cifra in ciascheduno di essi, ed havendo significati à Milord Sunderland li sensi benignis^i del gradim^to di V. Sig^r per il zelo da lui dimostrato, e ch' sempre più dimostra nelle corrente emergenze à favore della giustitia, ch' assiste alla S^ta S., mi ha risposto con le espressioni del più vivo ed humil' riconoscim^to, e di non haver mai meritate in alcun conto tali gratie pontifie, bensi che' procurarebbe con ogni studio di far apparire in tutte le occasioni il suo osseguio, e l' ardente desiderio ch' hà di segnalarsi nel servitio della S^ta S.

2 Aprile, 1688.

Questo Ministro mi ha tenuto un longo discorso sopra lo stato, in cui si trovano present^te le cose si vanno avanzando per il buon successo del med^e. Diceva dunque che si prossiega nell' opera incominciata di mutare tutte le corporat^ni e magistrati del regno, ch' erano nelle mani degli Anglicani, e si mettono in quelle' de' Nonconformisti, dal qual partito si spera di conseguire l' assistenza, e concorso necessario per far eleggere tali Parlamentarij, che siano del gusto, ed approvati^n della M. S., di tal mutati^ne che richiede longhezza

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di tempo, se n' è fatta una buona parte ed hora si va prosseguendo quella che rimane da farsi, ed è la principal ragione, per la quale non si possa cosi in breve, come si credeva, e si desiderava da S. M., e da tutti li buoni, convocare il med° Parlamento, essendosi in questo mentre, procurato dalli mali intentionati di seminare tra il popolo, che li dissegni di S. M. fossero per rissultare alla fine pregiuditiale alla libertà, e loro privilegij; quando arrivasse à conseguire quello, ch' hora pretendeva, ed in sostenza, che le dimostrationi, che hora si fanno dal governo, per autenticare le buon' intentioni, che si sono sempre havute con la direttion' al maggior bene è tranquillità del regno non siano sincere, ma allettam^te^ per ingannarli e poi opprimerli. Perciò si è giudicato espediente à poter levare tali gelosie, che con facilità si imprimono negl' animi di questa gente, di dar' ordin', come si è fatto con instruttioni particolari del modo di governarsi alli dodeci giudici del regno, che vanno in giro in tutte le provincie ad essercitarvi la giudicatura, d' informare non solo le persone della precisa volontà del Rè in ordin' à levare il Testo, e le leggi penali, ma insieme far comprendere ad ogni uno il ben' che ne sarà per rissultare con la pace e concordia di tutti, al che aspirano li sensi di S. M.: di più si mandano ne' luoghi principali delle med^e^ provincie altre persone fedeli, e di credito, le quali studiaranno di dare le med^e^ impressioni e togliere le contrarie, con speranza che habbino à riuscire di gran profitto: fatto questo che si suppone dover essere tutto esseguito verso la fine del presente mese, ò al principio del venture, S. M. farà publicare una seconda proclamatione di libertà di conscienza, in cui sara inserita litteralm^te^ la medesima dell' anno passato con aggiongervi un preambolo, ed alla fin alcune dichiarationi particolari delli sensi Regij, per far intendere che sono uniformi ed ello stesso tenore di prima, senza che tutti gli accidenti sopravenuti habbino potuto alterarli, con la riflessione ancora di fare che il popolo conosca, che hoggi si vuol' lo stesso, che si voleva un anno fù, à beneficio publico, e non habbino luogo di dubitare che si intenda di procedere con altre misure, che gl' ingelosiscano maggiormente; si verra in apresso senza differir più à dichiarare il tempo che S. M. vuol convocare il Parlamento, che è rissoluto verso la fin di 8^bre^ ò principio di 9^bre^, doppo di che si procedera all' eletti^ni^ de' sogetti che dovranno comporlo.

Mi ha detto di più, che alcuni di questi capi principali della religion Anglicana, e fra essi il vescovo di Londra, hanno fatte li giorni passati molte conventicol' assieme' e cominciando à persuasersi, che il negotio sia per riuscire secondo l' intentione del Rè, habbino essaminata fra di loro di far qualche proposit^ni^ à S. M. di unirvi il loro consenso à qualche condit^ne^, con la mira, ò di ingelosire li Nonconformisti, e ritirali dal partito regio con apparenza del loro accommendamento, ò per proprio interesse di non perdersi intieramente, quando S. M. venga senza di essi à conseguire l' intento. . . . . .

9 Aprile 1688.

La morte seguita li giorni passati del vescovo di Oxford hà dato luogo di mettere in essecutione il pensiero proposto da Milord Sunderland, di ap-

poggiare alla direttione di uno delli nuovi prelati il colleggio della Madalena di Oxford, per poter ivi stabilire con autorità un luogo dove si habbi ad insegnare publicamente la vera dottrina, e di la poi diffundersi consecutivate nell' altre parte del regno : à questo ufficio S. M. ha destinato il sigr Ciffore dotto e zelante, che sarà per far fruttificare con ogni studio maggiore un applicatione cosi utile, à beneficio della religione Cattolica. Mi ha detto la M. S. l' elettne, che ha fatta con la compiacenza di considerarvi, che l' apertura sia tanto propria per introdurre, e fondare in un università cosi celebre in queste parti quegli insegnamti, che da cosi longo tempo ne sono stati sbanditi, e che il sogetto sia commendabile per tirarne tutto il possibil vantaggio, il qual' vien proposto grandiso anco nell' educatione di molti alcuni, che per essere ricco il collegio, potranno ivi alimentarsi in numero competente. S. M. mi disse insieme, che il detto vescovo di Oxford era morto senza alcuna religione, come son' nella maggior parte questi principali, e che fanno più strepito all' hor che si tratta di qualsisia minimo vantaggio à favore de' Cattolici, di questi vescovi molti son riconosciuti da ogn' uno per Prebiteriani di professione. . . . . .

. . . Mi hà detto la Mta S. di ridersi delle illusioni ch' hanno li mal-intenzionati, che quando si venisse ad una aperta rottura con gli Olandesi, benche le forze di quà siano grandi, la flotta numerosa di vascelli e di militi, nondimeno, ne questo, ne li marinari sarebbero per far da dovero contro di essi in tal congiontura ; che li considerano come uniti nell' interesse della religione, se ben divisi in ogn' altro, che risguarda il vantaggio di questa natione, che questa sarà il motivo per non haver ad impegnarsi in una simil guerra, ma si bene quello di considerare, che le aplicationi di S. Mta, dentro il regno, à stabilir vi li suoi sti dissegni, e le divisioni interni che da questo nascono l' obligano ad evitare qual si voglio altro impegno, che si sia di guerra, anzi di procurare che la pace si conservi ancora fra gli altri Principi per non esservi tirato in conseguenza dalla necessità, ed haver in fine luogo di comporre le cose domestiche senza esser distratto in altra parte con pericolo di peggiorarne la conditne. E stata portata al sigr Me di Albeville, ministro di S. M. all' Haya, una lettera cieca piena di minaccie contro della sua persona, e famiglia, se non desistesse dal fervente operare nelle correnti emergenze, onde egli hà creduto aproposito di darne parte al presidente delle Stati, e similmte lo hà communicato a diversi ministri de' Principi, il che quà non vien aprovato facendosi strepito di un fatto secreto, di cui non si conosce l' autore, e non puot rissultar bene alcuno da simili doglianze, che dovranno restere infutili, e senza effetto, sin che non sia rinvenute la trama dell' attentato. . . . . .

Della medesima lettera.

. . . Milord Sunderland mi ha communicato confidamente un pensiero che tiene S. M. di far qualche mutatione nel consiglio del Gabinetto, anzi di due consiglii particolari separate, che hora vi sono, formar ne uno solo nel qual' entrino li Cattolici consiglieri, e Protestanti, per levare tutte le gelosie fra li ministri, e che debbono concorrere senza diffidenza al maggior ben

23 Aprile, 1688.

APPENDIX I.° publico, ed al servisio della S. M. con un profittevol' incentivo alli stessi Protestanti, li quali per la stessa ragione vorranno distinguersi nel secondare li giusti dissegni della M. S. Nel questo consiglio si dovranno agitare tutte le occorrenze delli tre regni, perche le deliberationi siano più uniformi, e con l' armonia necessaria al buon' ordine, mentre essendosi in tal qual modo governare sin hora à parte le materie concernenti la Scotia, e l' Irlanda, si è riconosciuto il vantaggio, che risultarà dall' essere trattate e discusse nel med.° consiglio, dal qual' nondimeno S. M. si servira sempre di alcuni pochi per conferire li negotij più importanti, e massim' forastieri che richiedono più risserva, e non si estenda la communicatione in molti. . . . . .

30 Aprile, 1688. . . . . Havendo il vescovo di Bath e Wels li giorni passati predicato avanti la Principessa, e gran' parte della Corte, con una libertà prodigiosa contro li Cattolici, deplorando lo stato presente del regno col portare un testo del Profeta Michea del abbattimento à rissorgere di Gerusalemme, ed havendone io havuta notitia qualche giorno doppo hò creduto mio obbligo di parlarn' à S. M., e rappresentar gli le perniciose conseguenze che derivaranno dal tolerare un arditezza si pregiuditiale nella casa propria del Rè, che rende necessaria la sofferenza di ogni simil discorso seditioso nella città, ed in tutto il regno, ed è l' unico modo per eccitare le lingue de predicanti à sfogare il loro mal talento, che era principalm.te diretto contro la sua real persona e stato. S. M. hà havuto la bontà di gradire quelche gli dissi, e mostrò rissol.ne di volervi por rimedio, volle in apresso raccontarmi le qualità del detto vescovo, che diceva haver una relig à parte, ed esser riputato trà questi heretici per un santone. Mi disse poi la M. S. che in Olanda havevano publicate alcun' impressioni contro della sua real persona, che veniva supposta autore dell' incendio di Londra, delle morte del Co.e di Essex, che si tagliò la gola in priggion', e di aver avelenato il fù Rè suo fratello; mà nonostante andava tolerando: con che queste due potenze per hora si conterrano in passar doglianze vicendevoli, senza venirsi à rottura aperta, abbenchè si ricerchi con ogni studio dal Principe d' Oranges coll' irritare sempre più la regia sofferenza.

Alcune persone ben informate sono persuase che l' intention' degli Olandesi nell' havere accresciuto il loro armamento maritimo fosse di farlo passare sopra le coste di questo regno per dar colore alli fattiosi sopra il credito, che si dovesse tenere il Parlamento nel prossima maggio, comè quà ne correva per certa la voce. . . . . .

14 Maggio, 1688. . . . . Mi do l' honore di rimettere à V. E. acclusa la copia della nuova dichiaratione tradotta in Italiano, sopra della qual gia si sentono uscite molte osservationi malitiose de' spiriti maligni, e hiersera Milord Sunderland me le fece veder in scritto tratte dalle intelligenze che egli tien' nel partito contrario, mà perche non possono trovar à ridire al fatto in se stesso si sforzano di accreditare le intenzioni di S. M. per non sincere, e siano artificij per giongere al

governo assoluto ed arbitrario, notando principalm^te^ quelche si dice nella dichiaratione delle armate, con asserirle apanto per il peso più insoffribile, ed inusitato, e contro la libertà della natione, e dove si parla della mutatione d' ufficiali vien glosato che sia per togliere la stessa libertà, e sforsare un Parlamento à distruggere le leggi principali del regno, con altri simili riflessi sopra ciascheduna espressione della detta dichiaratione, con dire di più, che essendo rimessa la convocatione del Parlamento à 9^bre^, faceva chiaramente vedere, che le cose non fossero nello stato che il Rè desiderava, ed in conseguenza essersi da sperare, che non lo sarebbero per quel tempo.

Diceva Milord di haverle fatte vedere al Rè, disse ancora nominando alcuni di questi capi principali come Milord Halifax, ed altri della corte med^a^, li quali dicevano che S. M. non riuscirebbe mai ne suoi dissegni, e non vi essere che tener fermo, mentre alla fine ne seguirebbe una rottura col partito de' Nonconformisti, e che all' hora S. M. sarebbe obligata dalla necessità di voltarsi à loro, cio è à gli Anglicani, e le cose andaranno à loro modo. Milord aggiungeva di non dubitare che restarebbero ingannati ne loro perversi sentimenti, e lo stesso risentirsi che facevano essere un segno che l' applicatione de' remedij oportuni operasse felicimente. . . . . .

Mi do l' honore di rimettere à V. E. il duplicato dello scritto Venerdi passato per la posta di Fiandra, alche aggiongero riverent^e^ la notitia di quello ch' è sucesso di assai considerabile in questi tre giorni. Parendo molto duro a questi vescovi Protestanti che la dichiaratione della libertà di conscienza fosse letta ne' loro tempij al popolo secondo l' ordino regiò, che n' era uscito, sei de med^i^ vescovi, tra quali l' Arciv^o^ di Cantorberi, si sono uniti in deliberatione di presentare una petitione à S. M., come hanno fatto, per dispensarsi dal' adempimento del d^o^ ordine ; S. M. rispose loro con ardenza, e con senso, conchiudendo, che attendeva di essere obbedita. Con tutto ciò hieri Domenica, ch' era uno delli giorni destinati alla soprad^a^ lettura, non si essegui, che in pochis^i^ luoghi, onde resta impegnata l' autorità regia dalla contumacia di questi disubidienti. Ma quello ch' è peggio, e degno di gran riflessione si è, che nella soprad^a^ rimostranza vi sono inseriti sensi pernisiosissimi, che tendono à metter in contingenza la medesima autorità, come V. E. si degnarà di vedere dall' accluso foglio, ch' è un voto soprà del quale si è in buona parte fondata la sud^a^ petitione. Milord Sunderland è di opinione, che S. M. sia per ritrarne da questo sucesso gran vantaggio allo stabilimento di suoi santi dissegni, e S. M. medesima hieri sera si è espressa meco ne' medesimi sensi, persuasa che siano pochi li conspiratori in questo dissegno perverso, e che debba rissultarne una divisione tra gli heretici favorevol' al ben publico, ed alle misure che sarà per prendere in quest' affare ; mi nominò alcuni principali Protestanti, che detestavano una simile condotta. Il caso pare gravissimo e forse il più critico, che sia ancor arrivato nel regno della M. S., e potrebbe havere più radici di quello che apparentemente horà si vede, perciò con lasciai di metterlo nella prudente

30 Maggio, 1688.

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consideratione della M. S., come che necessiti di tutta l' aplicatione immaginabile per cavarne apunto quel beneficio, che S. M. sperava, ed evitare le perniciose conseguenze, che possono influire li mal intentionati nel prevalersi della congiontura. S. M. è and atahoggi alla caccia, e Milord Sunderland à Windsor per ritornare questa sera, di quello, che andarà succedendo ne darò riverentemente conto alla V. E. . . . . .

4 Giugno, 1688.

Hò ricevuto il benignis° spaccio di V. E. in datà del p° del passato, con due lettere ed un dupl° di cifra, ed in data del detto stesso mese un altra lettera. L' affare delli vescovi è hora, per cosi dire, l' unico che tiene non solo la corte, ma ogn' uno, in attentione delle misure che si pigliaranno per darvi un uscita, e vedere si la autorità regia sia per ritrarne credito, ò discapito, ch' è il ponto essentiale di cui si tratta, non conoscendosi alcun mezzo, bensi ò di perder molto, ò di guadagnare, ch' è il fine proposto si de M. S. e che le pare sicuro considerando l' attione e contumacia delli vescovi tanto fuora d' ogni ordine che gli ne possa facilitare il modo, nondimeno la difficoltà è in scieglier le strade opportune nelle circonstanze presenti delle agitationi domestiche, che siano le più atte à conseguirlo.

Li SS^{i} Cattolici non è dubio, che vorrebbero che si procedesse con estremo rigore, e ripongono à buona congiontura quella che si offerisce di dar una specie di essemplare castigo nelle persone delli disubbidienti, il quale servirebbe d' insegnamento ad ogn' uno per dover procedere nell' avenire con le cautele del rispetto, e sommissione dovuta, altrimenti credono che la moderatione e la clemenza habbino ad essere argomenti di debolezza nel governo, ed incentivi per passar avanti ne loro perversi dissegni con l' impunita del primo passo. Milord Sunderland havendomene parlato la discorre in un altra maniera, e dice che l' unico pensiero del Rè deve essere rivolto al Parlamento, e tutte le misure, che si prendono nella condotta del governo, devono riferirsi con la mira fissa al buon sucesso del medesi° Parlamento, ch' è l' opera, à cui si travaglia da cosi longo tempo per lo stabilmento de' santi dissegni di S. M. Posto questo egli diceva, che se hora si viene ad un procedere criminale contro di tutti quelli, che lo sono nella causa, per farlo col rigor conveniente al caso mentre non bisognarebbe mettervi mano per poco, sarà necessario di passar li termini delle leggi ordinarie, onde per la moltitudine delli delinquenti, che farebbero strepito, essendovi inclusi tutti li ministri, à quali è diretto il mandato, che non hanno obbedito, e per l' irritatione che causarebbe nell' universale disposto in attribuire gran parte del castigo ad un rigore arbitrario, che è apunto quello, che si teme da ogni sorte di gente, ne seguirebbe tal alienatione d' animo in tutti che non servirebbe più di pensare à Parlamento, ma bensi riporre gl' ulteriori procedimenti nella forza, e nell' armata, il qual mezzo non si crede sin hora competente alla direttione delle cose, anzi non dovrà scrivere, che ne gli estremi, e quando vi si fosse portato da una strestis^{a} necessità, massim' ancora che si sarebbe molto che riflettere soprà la conditione della med^{a} armata, come

si son dato l' honore di accenare à V. E. con le passate. Diceva dunque che dovendosi fabricare su tal fondam^to^ era di parere per mantenere il decoro, e l' autorità regia, che si dovesse fare dal Rè una dichiaratione in cui S. M. mostrà il giusto e gran rissentimento, à cui l' arditezza e disubidienza di vescovi lo haveva provocata, ma che voleva più tosto usare della sua clemenze, e sospenderlo per hora, ricordandosi ancora della fedeltà, che la chiesa Anglicana haveva sempre mostrata ne' tempi passati verso la corona, e simili altri cohonestamenti, rimettendosi al vicino Parlamento per riconoscere dalli loro comportamenti, si fosserò pentiti del error commesso, e non si volessero abusare della presente sua real bontà acciochè non sia obligato di adempire con maggior severità quello, che hora sospende di fare per li sud^i^ risguardi. Conchiudeva che in questo modo si renderebbero più facili le misure dello stesso Parlamento, e cadendo l' odio sopra gli Anglicani si unirebbero tanto maggiormente li dissentisti à promovere lo stabilimento delli giusti dissegni di S. M. Agiongeva Milord di haver communicato alla M. S. questo consiglio ed esserle piacciuto, creder bensi lui Milord, che non piacerebbe alli Cattolici del consiglio del gabinetto, li quali vorrebbero qualche dimostratione vigorosa, in cui credono riposta in gran parte la sicurezza del governo, ma egli credeva assolut^te^ che lo stato presente delle cose ricercassse in tal congiontura il sud^o^ modo di agire. . . . . .

L' affare de' vescovi sie debattuto nel consiglio secondo li diversi opinioni del rigore e dalla altra strada proposta da Milord Sunderland. Finalmente S. M. ha presa come una risolutione di mezzo di far procedere contro di essi nella forma legale, e risservarsi di usar della sua clemenze si lo giudicara a proposito quando sia perfettionato loro il processo circa l' essecutione della sentenza, credendo in questo modo di soddisfare alla parte della giustitia nel mostrare la sforza per servirsene ancora essendo opportuno, e ritirarla quando il suo maggior servitio lo richieda. Restano percio citati li sudd^i^ vescovi avanti del consiglio regio per hoggi otto ove dovranni comparire, e di quello che arrivara ne daro riverent^o^ conto a V. E. intanto comnque ne habbe ad essere il successo e da temersi molto che possa influire a render difficile quello del Parlamento per l' interesse scoperto che prende in quest' affare quasi tutto il corpo ecclesiastico, e sin hora non compariscono segni di divisioni nel grosso degl' Anglicani, ma piuttosto questi sperano di tirare nel loro consenso parte delle Nonconformisti. In ogni modo se la divina misericordia concedera un maschio alla Regina, si ha da sperare che tante contradittioni e machini degli inimici habbino a dileguarsi facilmente, abbenche dicano di voler all hora essere più ostinati, ed accrescere lo studio, che hora impiegano, per conservare la Religione Anglicano. . . . . 11 Giugno, 1688.

. . . . Di Olanda scrivono, che si fossero molto rallegrati colà dell' indicente de' vescovi, sperando di ritrarne vantaggio nell' aumentarsi che fà la Della medesima lettera.

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materia delle alterationi domestiche in questo regno, pronti à nudrirlo con tutti gli artificii, e perniciose orditure, come hanno sempre fatto. . . . . .

22 Giugno, 1688.

. . . . Quà nondimeno si è visto chiare il dolore e la tristezza ne volti di una gran parte alla felice nuova della nascità del Principe, oltre la libertà contumace nelli discorsi, che non par credibile, arrivando sino al dirsi, che sia un parto supposto, ò non dal Rè, la sera della Dominica stessa, in cui si fessero fuochi di allegrezza, pochisi se ne viddero nel corpo che è proprie detto della cità. Per il contrario nell' accidente del male del Principe, ne fu sparsa la morte, e creduta per il desiderio de tristi con segni manifesti di contento, e di gioja; nel che è admirabile le grandezza d' anima del Rè, il quale dovendo essere informato di tutto ciò, non si fa sogetto ad alcuna perturbatione, ma con la piena confidenza che hà nel Signore, si mostra superiore, e più forte ad ogni contrarietà, che alla fine dovranno cessere e dissiparsi. Non lasciaro di riferire a V. E. che si pensa di non dar latte al prīcipino, ma di farlo nutrire con altro alimento alla mano come sin' hora si va facendo, essendo li medici persuasi con le M. M. sore medesime, che la perdita de gl' altri figli sia provenuta dal latte delle nutrici, che habbi loro causate le convultioni, onde ritrovadosi quà frequenti essempii, che molti tutti siano allevati, e creschino in buona constitutione senza latte, credono di dover' usare dello stesso modo nella nutritione del Principe per assicurare maggiormte il di lui vivere. Pare nondimeno una cosa molto straordiniera, ed in questa parte, come in ogn' altra, si dovra tutto ad una specialissima assistenza del Signore. Questa matina ho havuto l' honore di vederlo, mentre le davano l' alimento, che prendeva di buono gusto, e mi è parso sempre più ben complesso, e ben fatto; il detto alimento è chiamato Watter Gruell, ed è composto di farina di avena, aqua, e zuccaro, aggiongendovisi alle volte qualche poco di una passa di Corinte.

Questa matina hanno dato principio le sessioni giuditiali, e sono stati condotti li vescovi priggioni dalla torre alla gran sala di Westminster avanti il tribunale chiamato Kings Bainch, cioè banco del Rè; havevano seco quattro de primi avocati, li quali hanno arringato in favore loro, apponendo in p° luogo la nullità del ordine con cui sono stati mandati alla torre, per difetto di alcune formalità necessarie, ed in secondo luogo hanno opposta l' incompetenza dello stesso tribunale, li quali due ponti doppo longhe contestationi, sono stati rissoluti contro de' vescovi, che in fine hanno data cautione di dover comparire hoggi quindeci il med° tribunale, accioche sia discuso l' affare principale per cui vengono chiamati in giuditio, il che fatto sono stati posti in libertà di andare alle case loro. E stato da notarsi, che essendo concorsa un immensita di popolo per vedere la fontione, nel portarsi li vescovi dalla barcea alla detta sala, la maggior parte si metteva in ginocchio augurando loro felicità, e benedittioni; e l' Arcivescovo di Canterburi andava mettendo la mano in capo à quelli, che se l' offerivano nel passaggio, con dire che stano fermi nelle fede, gridando ogn' uno ad alta voce di doversi inginocchiare, ed vedendoci in molte le lagrime grondare dagli occhi in tal' occasione. . . . . .

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S. M. m' ha detto li giorni passati che lo scrivevano d' Olanda, che vi fossero inditii forti, che il Principe d' Oranges meditasse attualm^te di porre in essecutione li suoi perversi dissegni col pretesto di religione havendo in mira questa parte, io gl' hò risposto, che speravo che quando fosse gionta colà la nuova della nascita del Principe di Gales farebbe mutar linguaggio, e si dissiparebbero tosto le machine de gl' inimici di fuora, come il simile seguirebbe di quelli dentro del regno, ed havendo S. M. fatto il conto, che con le prime lettere se ne poteva ricever il riscontro, mi ha poi detto in apresso al loro arrivo, di esser avisata, che fossero in Olanda rimasti sul colpo doppi^te nell' udire la detta gran nuova, e di sapere che si trovassero pronti venti, e più vascelli di guerra alle Dune, il che non havevano mai creduto, che fosse per seguire, ne con tanta sollecitudine. Milord Sunderland m' haveva significato più apert^e che il Principe d' Oranges havesse dato ordine alla brigada di questa natione, che tuttavia si ritrova in quel servitio, che dovesse star pronta alla marcia, il che s' interpretava con diret^ne à questa volta, havendosi fundamento di credere che quà vi siano intelligenze tali da poter cooperare al sud effetto, anzi sollecitarlo; abbenchè per altro sia difficile, che il Principe senza un pieno concorso delli Stati potesse o si mettesse in positura di voler intraprendere un impegno cosi grande, e fuora di ogni ordine, e pare difficilis^o di credere, che li Stati med^i si inducessero ad abbraciar lo senza riflettere ad altro, che alla smisurata ambitione del Principe, e che tutta la terra si unirebbe contro di loro, e sopra tutto è da sperarsi nella speciale assistenza del Signore, che si fa visibile nelle sue beneditioni à questo Rè cosi zelante, e cosi pio. . . . . 2 Luglio, 1688.

Milord Sunderland hà esseguita la generosa e santa rissolutione di dichiararsi Cattolico, con la circonstanza che S. M. med^a entrata martedì doppo pranso nel consiglio di Cattolici hà voluto partecipare la buona nuova à quei Sig^ri accompagnandola con li espressioni del proprio contento, è di molta commendatione di Milord, il quale parlò poi in apresso con li sentimenti degni di lui, e dell' attione che faceva. La stessa sera S. M. mi fece l' honore di parteciparmelo abbond^e la singolare sodisfattione, e parte, che prendeva in un successo, che non puol rissultare se non in gran vantaggio del servitio di Dio, e di quello di S. M. Già mi è stato riferto, che si discorra da molti trà li più fanatici nella città sopra il ciò, con la riflessione, che il partito del Rè debba essere alla fine il più forte, e li suoi dissegni siano ben assicurati alla vista di un tal personnaggio, savio, prudente, ricco, ed informato di tutto, che nonostante di vedersi inaspriti gl' animi, si puol dire universal^te di tutti per l' affare di vescovi, e ogn' altra agitatione domestica, cioè, che non andando bene le cose siano persi li Cattolici, onde cavano argom^to di credere, secondo la regola dell' interesse, essendone quà poc' altra, che questo si trovi sicuro nell' elettione del ditto partito. 9 Luglio, 1688.

Hoggi è il giorno destinato alla rissolutione del grand' affare di vescovi, se pure si potrà finir in una sola sessione discutendosi hora la causa. Non è cre-

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dibile quanto habbi servito quest' occasione alli mal' intentionati, per dilatare tra il popolo li impressioni di violenza, e far credere che se ne voglia direttamente alla loro religione, al che hanno coadjuvato li stessi vescovi sedotti non operando di suo proprio dettame, con tutte li dimostrattioni maggiori per eccitare la compassione da cui nasce poi l' ira nel volgo, col farsi credere martiri della fede.

S. M. mi hà parlato longamen^te una delle sere passate, facendomi vedere la necessità in cui si era trovata di far procedere contro li detti vescovi nel modo che è seguito, portando gl' essempii del fù Rè suo padre, e Rè fratello, che havevano ricevute pregiuditii nella propria autorità, che in fine havevano causata la morte lagrimevole al primo per la troppa indulgenza; che la M. S. haveva perdonati à tanti, che già era troppo, che egli conosceva la natione Inglese, la quale con le buone non si riduceva al suo devere, e che ogni coñivenza sarebbe stata attribuita à timore; conchiuse, che non operando nel modo riferito era perduto, usò di questa parola. Mercordi 7 mi hà ancora parlato dello stesso affare dicendo della contumacia delli detti vescovi, che in fine se ne pentirebbero, che l' Aricīv^o di Cantorberi veniva di farle presentare una suplica accioche volesse ordinare, che li registri originali del Palam^to che sono in Vestminster, si dovessero portare hoggi avanti li giudici per valersene alla propria diffesa, che vuol diro contro di S. M., la quale gl' ha fatto dire che era libero ad ognuno di far tirare dalli detti registri gl' estratti che si volessero. Nonostente però questa contumacia e la giusta indignatione che ne deve essere nell' animo di S. M. per dover usare con essi l' ultimo del rigore, Milord Sunderland è di parere sempre con la mira al Parlamento, che è il negotio principale, senza di cui non si sarà mai fatto niente, che convenga seguita, che sia la sentenza perdonare alli detti vescovi ancorche essi non chiedano perdono, come egli è persuaso, che non lo dimanderanno per sempre più farsi popolari ed alienare gl' animi del Rè. Tutta la pena che sarà loro imposta, si vengono dichiarati colpevoli, la qual dichiaratione non aspetta di fare alli giudici, ma bensi à dodici persone elette espress^e a quest' effetto, che si chiamano Giuri, ed è una forma di giuditio particolare credo alla sola Inghilterra, che possono ancor' esser corrotte, come S. M. mi hà detto, che si trovano depositate 2 mila lire sterline, si riduce ad una multa pecuniaria, con la conditione della priggionia sinche non sia pagata. La detta multa potrà essere anco di cento mila scudi per uno, e più, secondo l' arbitrio di giudici, onde non è dubbio che li detti vescovi dovranno per la legge restar priggionati sinche paghino la somma à cui verranno condannati, e con questo si aumentera l' alienatione de gl' animi, ed essi goderanno di poter dare un tal spettacolo al popolo atto ad irritarlo maggiormente, onde sarà forzoso il dire, che non occorra più pensar à Parlamento, e le cose restino sempre in un incertezza, tanto riguardo allo stabilmento della religione, quanto alla tranquilità dello stato. Mi ha detto hiersera Milord d' haverne parlato à S. M. la quale a gustate li raggioni, ed haveva ordinato di radunar

il consiglio à quest' effetto, che si è poi differito per vedersi prima qual sia la fin del giudicio, e prenderlo più aggiustate rissolutioni sopra il medesimo dettamente.

Il caso è hora di vedere l' esito di quello, che li detti giuri siano per fare trovandosi già radunati doppo agitata la causa, che è durata lo spacio circa nove hore, per dire il loro parere, che deve essere uniforme di tutti dodici, non dandoseli à mangiare, sinche non siano d' acorde, ed essendo hora ben tardi non si sa ancora quello, che siano per prononciare stando alli sud^i di dire, che siano, ò non siano colpevoli, come potrebbe anco succedere in questo caso per la seconda parte per un complemento d' iniquità. Intanto li giudici e li rei sono andati alle case loro, restando li giuri radunati per prononciare il loro sentimento, e domani si dovra vedere, e publicare nel tribunal il rissultato di questa gran contentione, in cui è stato necessario al fisco di provare, che li detti vescovi habbino data la petitione che li rende criminali à S. M., non admettendosi da essi il fatto, il che è riuscito strano, e difficile secondo queste leggi, non essendovi testimonii, che habbino visto presentarla, ed è convenuto à Milord Sunderland di comparire chiamato lui stesso in giudicio per informare di quello che era passato tra lui e li vescovi, prima che andassero da S. M. Il popolo hà fatte acclamationi di giubilo alli vescovi nel uscire dalla sala del giuditio, e per le strade, dicendo ognuno che siano liberati, ed essendo hora di notte mi vien detto, che si veda qualche fuocho di allegrezza, persuasi che siano dichiarati innocenti, ò che li giuri debbono farlo, perche in fatti sin' hora non hanno ancora pronunciato. . . . . .

Sabbato scorso 10 del corr^e fu il giorno in cui si fece vedere nel suo più chiaro prospetto il mal animo di questi heretici, che si lasciarano guidare intier^e dalla passione e dalla malitia celebrando la vittoria de vescovi, nel essere stati dichiarati innocenti dalli giuri, che stettero chiusi per deliberare tutta la notte antecedente, e publicatosi da giudici nelle forme solite radunati la mattina à quest' effetto nella gran sala di Wesminster. Il Rè è stato pess^te servito in quest' affare, mentre si puol dire che nissuno di quelli, che vi havevano alcuna parte immediata, habbi ben adempito il suo debito; due di giudici stessi nell' agitarsi la causa si fecero conoscere partiali di vescovi, insinuando con la forma di parlare, in tal qual modo, alli giuri, la pretesa innocenza di medesimi; dal altra parte si deve ancora dire, che la causa in se stessa par le sottigliezze della lege haveva le sue difficoltà, le quali forsi non son state bastant^te previste da chi ha sopra di se il peso di queste attioni legali, come l' Avocato Generale ed altri, mentre l' accusatione è stata, che li vescovi havessero composto, e publicato un libello seditioso per alienare l' amore di sudditi verso di S. M., nel che vedendo contestato il fatto per altro notorio, con le qualità criminali del medesimo, era dificile di provare con evidenza la sottoscrittione de vescovi, e che havessero presentata la petitione al Rè, non vi essendo testimonii, che lo habbino visto, onde si rendeva anco

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più difficile di provare il dissegno, ò l' effettiva publicat^e al sud^o mal fine; di maniera che con queste versutie legali, e poca cautela ò troppa confidenza per la parte di quelli del Rè, li vescovi sono stati dichiarati innocenti con gradis^o scandalo de' buoni, e non minor biasimo di tutti quelli che sono andate negligenti ò malisiosi in quest' affare di si grand' importanza. Il concorso à vedere la conclusione del giuditio è stato immenso, e pari sono stati li acclamationi replicati al sentirla favorevole alli vescovi. Mi trovava con Milord Sunderland la stessa mattina, quando venne l' Avocato Generale à rendergli conto del successo, e disse, che mai più à memoria d' huomini si era sentito un aplauso mescolato di voci, e lagrime di giubilo, egual à quello che veniva egli di videre in quest' occasione. La sera poi li fuochi per la città, il bevere per le strade, con gridi alla salute de vescovi, e confusione de Cattolici, lo sparo d' instromenti da fuoche e ogni altra dimostratione di una furiosa allegrezza per tutta la notte, sono state cose indicibili, con l' acompagnam^te ancora in qualche luogo, come mi è stato riferito, di impietà publiche contra la N. S. religione, da qualche feccia di plebe, con altri eccessi.

Sua M. era andata al campo la mattina, e li fù spedito da Milord Sunderland un corriero con l' aviso dell' esito della causa, la M. S. ritorno la sera, ed al solito la viddi senza il minimo segno di turbatione, ma con l' accostumata serenità di volto propria alla sua grandezza d' animo superiore ad ogni accidente; mi son consolato ancora in vedere Milord Sunderland fare sol conto del sucesso, quanto ne richiede l' importanza, divisando subito il modo più proffitevole per divertire li pregiudicii che possono rissultare da questo disordine, ed infervorarsi maggior^te in relatione al negotio principale del Parlamento, che deve essere l' unico scopo e fine di S. M. di procurarlo favorevole, cui tanto quanto si puol tutti gli incidenti per lo stabilmento di suoi santi dissegni, e tranquillità del regno, e mettere una volta fine à tutte le le agitatione e gelosie domestiche; in ordine à che si è tenuto consiglio di gabinetto da S. M. in cui mi ha dette Milord, che per il fatto particolare de vescovi si è di avocare la causa al tribunale della Commissione Ecclesiastica per il capo dell' inobbedienza non solo quanto a i vescovi, ma per tutti li ministri, che vi hanno havuta parte, nel che si andera temporeggiando per servirsi di questa strada, secondo che si giudicarà à proposito, e in tanto tenere un freno ad ognuno, sinche si veda quello che siano per fare nel Parlamento, si levaranno di carica li due giudici per mettervi un Cattolico, ed un Dissentista, e si farà lo stesso di alcuni altri, la di cui colpa è più apparente.

S. M. nel gran consiglio, che chiamano privato, spiegare li suoi reali senzi sopra le cause passate, confermando quelli di voler tanto maggiorm^te insistere per il Parlamento senza dipartirsi un ponto dalla più intensa applicatione. Diceva Milord doversi questa rivolgere intier^te ed eludere il perverso dissegno degl' Anglicani, li quali prevalendosi della congiontura, travagliano con tutto il potere per tirare nel suo partito li Nonconformisti, facendo loro grandi offerte di sicurezza, ed ogn' altra, che possa farglelo apprendere per più vantaggioso,

ed in particolare studiano di imprimere loro, che li Cattolici pretendono di servirsi di essi sol tanto che possano conseguire li loro fini di abolire il Testo, ch' è l' argine più forte di diffesà, che habbino, per poi esterminarli tutti Anglicani e Nonconformisti insieme, quando nel Parlamento vi possà essere una irruttione di Cattolici, e vedersi chiara l' intentione del Rè, che nella sussistenza del Testo med°, non puol nascondere la violenza che viene di apparire contro di vescovi. Questi ed altri discorsi perniciosi sono capaci di sedurre quelli, che non si portano à concorrere ne' giusti sensi di S. M. per virtù, ne per debito, ma per solo proprio interesse, onde se crederanno, che queste corra alcun rischio e pericolo stando fermi nelle regie parti, ed al contrario resti assicurato per il mezzo degli Anglicani, facilmente si lasciaranno persuadere à mutare d' intentione, ed in ordine al Parlamento, il Rè verrà à restar solo. Onde diceva Milord di doversi pensare ad espedienti, per non espors ad un irreparabile danno, il qual espediente doversi fondare nel proporre all Nonconformisti qualche sorte di sicurezza per li sud[i] riguardi, e se al presente non si poteva conseguir tutto il Parlamento come sarebbe desiderabile, non doversi perciò negligere di ottenere delle sei parti li cinque se si potesse per il solo principio di preffigersi tutto ò niente, mentre sarà più facile, ottenute le cinque parti, havere anco la sesta col tempo, e con le cose quiete, che hora, che son turbate, persistere di volerle tutte sei senza apparenza di poterle conseguire, e restar sempre in un mare di confusione esposti al pericolo, che ad un accidente della morte del Rè, che Dio ci guardi, si veda una funesta desolat' di tutti li Cattolici con l' esterminio della religione quando si fà ogni studio per stabilirla. Diceva dunque di haver proposta à S. M. nel consiglio, che si poteva sopra queste considerationi contentarsi dell' abolitione delle leggi penali, e del Testo, che escludi li signori della Camera Alta, e lasciar in vigore gl' antichi giuramenti, che escludano li Cattolici della Camera Bassa, nel che li Nonconformisti potranno considerarvi la propria sicurezza, e concorrere per il rimanente nella propositione di S. M., riducendosi la somma nel negotio, à vedere, se conosciuta l' impossibilità di attenere tutto, come si vorrebbe, convenga di applicare alla sud[a] propositione quando si possa far valere, alla vista del gran bene che rissultarà dall' abbracciare la vera religione, alche si aggionge l' entrata de sig[ri] Cattolici nella Camera Alta, la quale parebbe assicurata nel servitio di S. M. con l' evidenza, che nella buona intelligenza del Rè col suo Parlamento sarà per fortificarsi sempre più la regia autorità per farlo valere, e dentro e fuora del regno, nel qual stato di cose sarà più facile al Rè di perfettionare l' opera, che hora d' intraprenderla. Proposto il suprad° à S. M. con il concorso di ogni altri consiglieri; la M. S. vi ha fatta una riflessione, se doppo di haver dichiarato l' impegno di voler tutto dal Parlamento, le convenga di ritirarsi in parte dal medesimo, ponderando li pregiudicii rissultati alli suoi antecessori da cedere; al che ha risposto Milord con la disparita del caso, nell' havere quelli ceduto del proprio, ed hora trattarsi di far cedere à gl' altri, e contentarsi di meno di quello che si vorebbe per l' impossibilità di ottenerlo; sopra di che

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S. M. non ha giudicato di dover rissolvere, ma di doverlo considerare più matur^e. Forsi la M. S. poteà motivarmene qualche cosa, nel qual caso prego il Signore, che m' inspiri di dirlo quello che sarà del maggior servitio di sua Divina Maestà.

Horà la giusticia ord^a procede contro quelli, che hanno fatti fuochi nella passata congiontura, che sono difesi senza ordine, o permis^e publica, li quali sarebbero ancor stati più copiosi, senza le diligenze usate dal Milord Maire per impedirli, abbenche non le sia riuscito in tutto secondo il desiderio, per non essere ben esseguite, ed essendo stato troppo universale il consenso di tutto il popolo ch' è stato poi più eccessivo nelle altre dimostrattioni, venendomi detto che si facevan fermar le genti per strada, e le carozze, per obligar le persone à bevere alla salute de' vescovi. Il simile si crede seguito in altra parte del regno, essendovi notitione di tali ecessi ne luoghi circonvicini di Londra.

Non lasciaro di dire, che nel giuditio è stato somm^te scandaloso, che li avocati de vescovi habbino declamato contro il potere dispensatorio del Rè, e similmente iniquo, che li giudici lo habbino permesso, essendo un ponto non solo totalm^te alieno dalla causa, e dalla inspettione presente, ma superiore ad ogni cognitione di particolari, onde era di loro dovere d' imporre silentio all' uditezza di tali huomini, ne lasciarlo mettere in controversia, che puol essere pregiuditialissima nel concetto delli genti.

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. . . Li paterni zelantis^i sensi di N. signore in ordine alla diligente custodia del parto, che seguirebbe della Regina, e li clementis^i comandamenti datimi sopra di ciò saranno da me esseguiti con l' insistenze più adottate che saprò secondo l' occasioni, essendo veram^te necessaria ogni circonspettione in ogni tempo, ma molto più in questi, che peggiori non possono essere, accompagnati da circonstanze che essigono tutta l' attentione e diligenza possibile per garentirsi da quelli di mal' intentionati, che vogliono incessant^te in oppositione di ss^ti dissegni di S. M., ed hora, che la divina misericordia hà concesso un successore alla corona, par che raddoppijno la forza della loro perverse machinationi, le quali alla fine dovranno cadere, e dissiparsi nella pretiosa conservatione del gran bene dato da Dio à questi regni nel nuovo principe. In relatione di ciò parendomi, che l' accesso di poterlo vedere fosse troppo libero, e facile a qualunque persona, massime dopo li primi giorni, ne quali pareva necessarja una simil però circospetta libertà per le dicerie che corevano seminate da' maligni, e facili di far impressione nelle genti già troppo disposte à lasciarsi ingannare e sedurre, ne hò insinuata l' importanza alla M. della Regina, che era entrata meco in discorso del principe, la quale m' hà rilevata la d^a riflessione con la cautela di essersi fatto porre nella stanza del med^o come un recinto, che vi è, ed impedisse l' accostarsegli, ma per l' avenire ancora si anderà più sobrio nel permettere ad ogn' uno l' introdursi. Anzi hò sugerito alla S^ra M^a di Poes governanta, di non lasciar entrar alcuno nella d^a stanza, ch' ella non lo sappi, ed in sua absenza sia cura della sotto governanta, essendo queste

signore in particolare la prima di un gran zelo e virtù. Il che si è compiaciuta di ricevere in buona parte, col assicurarmi, che non dormiva li suoi sonni sempre rivolta col pensiero à ben adempire le sue parti per corrispondere alla confidenza, che hanno havuto in lei le M. M. loro, nell' appoggiare alla sua sollecitudine un peso di si gran importanza. Questa s sarebbe di sentimento, che si dovesse dare al fanciullo qualche poco di latte, dicendo, che sia il consueto di cosi usarne da tutti nella nutritione, che si tiene con esso, e se n' è espressa meco anco alla presenza del principale medico, il quale è totalmente contrario à ciò, e suppone che ogni poco di latte li fosse pregiuditialissimo, e potesse causargli delle convultioni, nel che conviene similmente la Regina, havuto sempre il riguardo alla perdita degl' altri figli, che vien attribuita alla sud[a] caggione del latte. Ne in questa contrarietà de pareri si vede altro ricorso, che alla divina Providenza, la quale vorrà conservarlo in tutti li modi, è si degnarà d' inspirare quello, che sia per il meglio.

Vanno giongendo le notitie da tutte le parti dalle dimostrationi singolari che in ogni luogo si fanno in redimento di gratie al Signor, e del contento delle nationi Cattoliche, per il felice successo della nascità del Principe di Gales. Questo ambasciatore di Spagna dice, che la M. del Rè Cattolico hà ordonate simili dimostrationi, come se fosse un successore alla sua corona. Di che queste M. si mostrano sensibili con l' aggradimento, e compiacenza, e con la riflessione di qua mi hanno detto, che *Nemo profeta in patriâ* replicando queste parole più volte. Similmente questo ambasciatore di Francia essagera il giubilo, e contento del suo Rè, in questa occasione, però la Regina m' ha detto con benigna confidenza, che gli era parso di fare una gran cosa in concedere ad un collo di Scorzesi, se ben mi ricordo, di cantar il *Te Deum*, con la ponderatione di non essere in costume di farsi in Parigi, che per la successione reale di Francia, o sogetti spettanti alla corona. . . . . .

. . . All' arrivo delle lettere d' Olanda S. M. mi hà detto, che il P[e] d' Oranges havesse fatto delle sue con bassezze indegne in argomento della sua mala volontà. Nel festeggiare, che ha fatto il ministro di S. M. all' Haya la nascità del P[e] di Gales, haveva preparati sontuosi rinfreschi, e convitati li signori principali della corte del P[e], che gl' havevano promesso di andarvi, e poi poco prima della fontione havevan mandato à scusarsene ; di più si erano fatte perdere nel hora appantata le trompette, ed altri instromenti militari della guardia, che dovevano servire alla festa. Aggionge poi S. M., che gli premeva molto più la rissolutione imminēte delli Stati Generali per le leva e trattenimento di none mila mattellotti promossa da longo tempo dal Rè, il quale finalmente lo haveva conseguito, e doversi credere che meditavano dissegni cativi, e che quello che mi haveva detto più volte si andava maturando della liga di religione de' Principi heretici, onde conveniva di premunirsi, ed evitare tutte le dissentioni frà Cattolici, e che erano pregiuditialis[e] le differenze della Francia, però con questa consideratione sperava che la S. S[tà] vorebbe usare di

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qualche condescendenza per terminarle. Io risposi, che vere per me non sapevo capire qual condescendenza si poteva desiderare di S. Sta, quando le violenze erano continuate atrocissime dalla Francia senza alcun ombra di raggione, e la Sta S. non haveva mai fatto, non faceva altro, che soffrire, e suplicaro S. M. di considerare se dicevo il vero si, ò nò, onde bisognava rissultarsi alla Francia perche volesse rientrare nel suo dovere, e far cessare un si gran scandalo nella Cristianità. S. M. disse, che voleva parlarne di buona maniera all' ambasciatore: all' hora io replicai, che S. M. farebbe molto ben, e che era da quella parte che conveniva insistere fortamente; e mi diffusi in questo proposito quanto seppi dire, lodando insieme il zelo e la pietà della M. S.; la quale conchiuse, che ne parlarebbe, e che lo haveva fatta anco le altre volte sempre con fervore, ed efficacia: e con ciò resto facendo à V. E. profondise inchino.

6 Agosto, 1688.

. . . . Milord Sunderland si e portato per qualche giorno alla destinata villeggiatura, e prima di partire mi ha detto, ch' era arrivato un espresso di Olanda con aviso che il Principe d' Oranges havesse fatto levare dalle preghiere, nelle quali era stato posto, il nome del Principe di Gales, quasi che non si volesse da lui più considerarsi per tale, cui è opinione con sufficienti indicii di credere, che egli sia pentito della missione fatta di un inviato in congratulatione della nascità. Queste stravaganze non è dubbio che siano fomentate di quà con quelle di mal' intentionati, molti di quali non lascian di dire ancora che sia un parto supposto, con altre straniezze di questa sorte inventate dalla più stolta malignità, la quale dovra alla fine restare confusa, e depressa dall' heroica constanza del Rè, con l' assistanza del Signore. . . . . .

20 Agosto, 1688.

. . . Milord Sunderland fece ritorno venerdi scorso al tardi dal suo luogo di campagna, e poche hore doppo si portò à Richemond, di dove ritornato le mattina del sabbato mi ha detto confidente, che d' Olanda veniva comfermata la certezza, che il Principe d' Oranges havesse fatto levare con ordine positivo dalle preghiere publiche il nome del Principe di Gales; onde S. M. haveva creduto di non poter dissimulare una dichiaratione cosi inqua, ed haveva perciò giudicato conveniente di scriverne alla Principessa sua figlia in termini di haver intesa questa scandalosa novità, pero volerne sapere il vero, e se vi fosse la persistenza di un simile attentato, che prenderebbe le misure proportionate alla qualità del negotio, con rissolutione in primo luogo di comandare al sua ministro all' Haya di non trattar più con il Principe e la Principessa di Oranges. Con le ultime lettere poi di Olanda si è ricevuto aviso, che il Principe havesse fatto di nuovo rimettere nelle stesse preghiere il nome di questo di Gales, le quale mutatione non servendo il tempo per essere un effetto della riferita lettera, non si sa attribuere sin' hora, che ad una più sobria consideratione dell' impegno enorme che si prendeva, prodotta forsi dalle vive rapresentationi del ministro di S. M., il quale si attende quanto prima in questa corte, e potrà dare un conto più esatto in voce del vero stato di quelle cose.

Intanto come non si crede questa rissolutione del Principe d' Oranges per un argomento di essere megliorata la conditione della sua perversa volontà, dà luogo à riflettere, che sia più debole di quello che apparisca il fondamento à cui vengono oppoggiate le di lui machinationi, e che possa anco portare influenza uniformi di scapito nel partito che tiene in questo regno. Non lasciano di aggiongere venirmi assicurato da persona di credito, che scrivendo sovente la Principessa d' Oranges alla Regina, non le habbi mai nominato nelle lettere il Principe di Gales, che pare assai straordinario, e conferma sempre più l' opinione, che si deve havere, de' cattivi dissegni da quella parte, masse in ordine à questo particolare. Di più la stessa Principessa hà scritto alli vescovi che si trovavano priggionati alla torre, come mi è stato riferto ricavarsi daun a lettera intercetta del Vescovo di Heli, il quale à nome degl' altri le risponde con termini che fanno chiaramente vedere la seditiosa dipendenza del partito Anglicano. . . . . .

E' arrivato d' Olanda il Marchese di Albeville, inviato di S. M., alla qual' hà partecipato in voce lo stato di quelli affari, e comfermate le sicurezze che si hanno del mal' animo del Principe d' Oranges, e degli Olandesi. S. M. mi hà detto, che gli haveva fatta un ampla relatione di tutto, aggiongendo che il Sig Dikwelt, che fù quà inviato del Principe sud° l' anno scorso, haveva detto all' Marchese d' Albeville medesimo, che stasse per sicuro, che in Olanda si farebbe tutto il possibile perche la religione Cattolica non si stabilisse in Inghilterra, onde persi cosi fatte cose sempre più si accrescono nell' animo regio pieno di zelo, le essacerbationi, e l' irritamenti massime con l' apprensione presente che non facian seguito à tali dichiarationi uniformi attentati nell' intraprese di fatto. Vanno giongendo diversi inviati de' Principi per passare ufficii di congratulatione con queste M. M. sopra la nascità del Principe di Gales, oltre quelli di Francia, che sono di partenza, è arrivato il Principe di Bergles per parte del Gover^e de Fiandra, il Marchese della Rovere per quella di Genova, il Signore di Amilton per l' Elettore Palatino, li quali tutti si trovano hora impiegati nell' adempimento delle loro commissioni: e con ciò resto facendo lo profondissimo inchino. 27 Agosto, 1688.

Vengono comfermati con nuovi espressi d' Olanda gl' avisi, che si affretti colà di armare con la maggior diligenza sino al riferito numero di cinquanta vascelli da guerra con disposition' anco di accrescerlo. Onde S. M. che ha raggione di diffidare delle intentioni del Principe d' Oranges e delli Stati, massime non cadendo sin hora sotto la cognitione altro sogetto per un si grand armamento di mare in una staggione cosi avanzata, non lascia di ben premunirsi per ogni attentato che potesse venire da quella parte, e non rimaner sorpreso, ed hà perciò ordinato l' allestimento di altre dodeci grosse navi oltre li brulotti, havendo insieme comandati gl' ufficiali di portarsi alli loro regimenti, facendo ben guardare le piazze maritime più esposte all' invasione. Con tutto ciò che 3 7bre, 1688.

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queste apparenze siano di dover temere, Milord Sunderland, con cui hò parlate più volte di queste insorgenze, non si sà persuadere, come li Stati Generali possino indursi in tale congionture à voler tutto sagrificare alla frenetica ambitione del Principe d' Oranges, e mettersi in un impegno da cui non sarà in mano loro in apresso di sortirne, e potrebbe alle fine riuscirlo funesto; perciò egli, doppo haver ben ponderata ogni cosa, spera che tali apparati non siano diretti per hora ad alcun hostilità, à far sbarco in questo regno, in maniera però che simil consideratione non debba raffreddare l' aplicatione più diligente à precautionarsi, e mettersi in stato di ben diffendersi, quando mai ne venga il caso. La M. S. hà similmente ordinato al Marchese d' Albeville di dover sollicitare il suo ritorno in Olanda, per poter ivi osservare più da vicino gl' andamenti di quel governo, ed assistere à quell' occorrenze in un tempo di tali aprensioni; conche hieri partì di quà verso Londra, di dove non tardava molto à prosseguire il suo viaggio alla volta dell' Haya.

In conformità della rissolutione presa dal Rè di non voler convocare il Parlamento nel termine prefisso del mese di 9^{bre} prossi^{o}, deve hoggi la M. S. nel consiglio pieno dichiarare la sua mente, in cui segnalarà anco il giorno preciso per la sessione: fatto questo si ingiongerà à tutti li governatori delle provincie, perche si trasferiscano alle loro pertinenze ad acendire al buono regolamento, per doversi procedere alle elettioni di membri, che hanno da comporre la Camera Bassa, da cui dovrà dipendere in gran parte il buon successo che speriamo. Milord Sunderland, che mi hà comunicato il soprad^{o}, è di parere, che nelle presenti aprensioni della Olanda, tanto più convenisse di chiamar hora il Parlamento, con la riflessione che li mali intentionati med^{i}, che possano haver intelligenza col Principe d' Oranges, torrebbero in sospeso le loro machinationi alla vista di un certo e vicino Parlamento, che il Signore faccia riuscir favorevole, dipendendo da questo, secondo l' humano discorso ed il nostro modo d' intendere, lo stabilimento della religione Cattolica in questi regni, e la tranquillità dello stato nella buona unione del Rè e del Parlamento med^{o}, dal quale, levate le gelosie che hora vi sono, potrà promettersi ogni maggior assistenza di denaro, per suplire alla necessità della corona, e porsi in un stato qual deve essere un Rè grande per farsi considerare dentro e fuori del regno.

Sopra la stessa consideratione del Parlamento essendosi radunata la Commissione Ecclesiastica giovedi 26 che era il giorno prefisso per trattar il negotio degli officiali delle diocesi, che dovevano riferire il rissultato delle loro diligenze, portando la nota di quelli che havevano ubidito nel leggere la dichiaratione della libertà di conscienzà, e di quelli che havevano ricusato di farla, comparvero alcuni di sud^{i} officiali ben disposti ad ubbedire, ed adussero scuse sopra il tempo per non haver adempite le loro incombenze; e perche si suponeva che la maggior parte di gli altri, che non erano comparsi, volessero non obbedire, il tribunale venne in parere di accetare le scuse di quelli che le havevan portate, e farne godere il beneficio à tutti, prolongando il termine delle sud^{e} diligenze sino à x^{bre} prossimo, per non esporsi ad un altro disordine come è stato quello

di pseudo-vescovi in congiontura intempestiva: mentre vi erano congetture fondate, che questi ministri heretici, se venivano compulsi col rigore, erano rissoluti di opporre l' incompetenza e difetto di giudica autorità nel tribunal med°, il che sarebbe stato accendere un fuoco maggiore del passato; onde per buona prudenza si è giudicato di volersi del ind° espediente, e non intorbidare sempre più con nuovi incidenti le direttione del futuro Parlamento.

Il Principe, Dio gratia, ha sempre continuato di bene in meglio, ed havendo ricuperato il suo buon colore naturale, promette la più vigorosa consistenza di salute. Mi vien riferto che si attenda domani l' arrivo del Sig^r di Bonrepas intendente della marina di Francia, ch' è stato quà altre volte, e ne hà fatta prevenire hoggi la notitia, il che non lasciarà di dar sogetto à molti discorsi, e ricanando quello della sua missione, ne daro riverentissime contò alla V. E., alla quale mi hò l' honore di accusare la ricevuta della sua benignissima lettera in data delli 31 Luglio, con haver presentata alla M. della Regina quella che vi era messa: e con ciò facendo à V. E. profondissimo inchino.

Ho ricevuti questa settimana di benignissimi spacci di V. E. in data delli 7 e 14 Agosto, con una lettera, e due cifre il primo, ed una lettera con un foglietto il secondo. Nel consiglie pieno di venerdi sorso la M. del Rè dichiarò la rissolutione presa di convocare il Parlamento à 9^bre^ pross°, assegnando il giorno 27 S. V. dello stesso mese per la sessione, ed il dì 18 del corrente per mandare le lettere convocatorie nelle provincie al sud° effetto. La M. S. mi parlo nella udienza della fiducia che haveva per la buona riuscita del med°, fondata sopra la giustitia e moderatione delle sue dimande, e sopra il credere, che li Nonconformisti non solo vi devono trovare il loro conto, ma che siano persuasi della sincera intentione della M. S. aliena dalle violenze, onde più facilmente siano per concorrere ne' suoi giusti dissegni; conchiudendo però, che in ogni caso, che fossero resistenti e contumaci alla raggione, ed al dovere, verrebbe all' hora à giustificare avante Dio, ed avante gl' huomini, tanto la rettitudine delle sue insistenze per procurare il bene e la tranquillità di suoi regni, quanto le rissolutioni che sarà obligata di prendere coherenti ad una ripulsa. Milord Sunderland similm^te^ si è espresso meco in un discorso sopra di tal proposito, ch' haveva speranze fondate di un buon successo, quando il Rè facesse come non dubitava, dal suo canto, tutto quello che conveniva per promoverlo. In primo luogo verrebbe che S. M. parlasse à questi principali heretici che sono nella corte, in tal maniero, che non sola hàbbino à concorrere passivamente ne' suoi reali sensi, ma facendo loro comprendere, con la sua volontà determinata, la giustitià e raggione volezza delli med^i^, si rissolvino di agire con zelo e fervore in questo riscontro, il che sara atto à produrre sentimenti uniformi in quelli che sono di fuori. Altrimenti diceva, che si questi della corte se mostrano tepidi e dubbiosi, ne verrà un pess° effetto, che gl' altri havevano motivo di adonbrarsi maggiormente, e credere che siano misteriose, e non sincere le dimande regie, mentre quelli che si trovano

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nelle cariche, e sono à parte del governo, non si dichiarino apertamente di approvarlo. Di più diceva, che negli Parlamenti passati essendosi visto, che la Camera Alta haveva sempre fatto maggior rumore di quella di Comuni, conveniva al Rè di assicurarsene quanto più poteva, percio sarebbe congruente di sciegliere un numero di sogetti capaci e fedeli, e farli Milordi, per aumentare il buon partito nella detta Camera, e ciò essere tanto più necessario, quanto ch' era da temersi, che potessero far naseere tanti incidenti, senza il negotio principale, abbenche questo paresse loro giusto, come sopra l' armata, sopra la prerogativa di dispensare le leggi, ed altri simili ponti, che venendovi una volta in tali contestationi, vi era pericolo di non uscire senza dover sciogliere il Parlamento, ed eludere in questo modo tutti li dissegni di S. M., onde conveniva di prevenire, ad assodare potendosi la pluralità de' voti; conchiudendo, che la M. S. era disposta di mettere in essecutione tutto il soprad°, con il di più che anderanno suggerendo le congionture nell' avicinarsi al tempo della session. . . . . .

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E' gionto hieri un espresso d' Olanda con aviso, che restassero di già imbarcati in Roterdam due reggimenti di fanteria sopra la flotta Olandese seguitando gl' altri à far il med°, e che si fossero nolleggiate tutte le imbarcationi possibili per caricarle di altrezzi necessarii a far un sbarco con cavalli, ed altre simili provisioni, che facendosi il distaccamento sud° dal grosso dell' armata, per andare ad imbarcarsi, fosse accompagnato con gridi di alegrezza verso l' Inghilterra, e che tutti questi ribelli, che si trovano colà riffuggiati, si mettessero all' ordine facendo provisioni militari; tutto ciò mi lo disse hiersera S. M. con una maniera però di parlare cosi tranquillo e superiore, che non si puol spiegare abbastanza, dicendo che li giorni passati ver^te era stato con un poco di fastidio, ma che hora stava con l' animo quieto, havendo già dati gl' ordini alle sue truppe di quello che dovessero fare. . . .

Trovandomi sabbato sera 18 del corr^e nella camera dove si trattengono le MM^tà loro doppo di haver cenato, mi tirò il Rè in disparte, dicendo, che veniva di ricevere le lettere d' Olanda, le quali portavano, che il Pensionario Fagel parlasse molto atto, e con sensi pieni d' ardire, nelle corrente emergenze, al qual proposito raccontò una riflessione fatta da un vescovo di Ruremonda, che era stato Vicario Apostolico in Olanda, sopra la persona del fù Pensionario Whajt, il quale similm^te in quei tempi si spiegasse in simili concetti superbi di non haver più che temere, ma che al capo di un anno, con le rivolutioni domestiche che seguirono, fec' il tragico fine ch' è noto. Disse S. M. di haver notitia che il S. Campricht, ministro del Imperatore all' Haya, fosse entrato in discorso col detto S. Fagel sopra l' armamento che si faceva cosi grande, con eccitarlo in qualche modo à spiegarsi se vi era alcuno pensiero verso dell' Inghilterra, e che il detto Fagel si mostrasse ben

imbarazzato nel rispondere, dal che cavava argomento la M. S. che vi potesse essere tuttavia qualche occulto dissegno sul tapeto, quando le risposte di tal ministro indicavano l' animo turbato e non sincero; onde credeva necessario di dover ben certificarsi della verità del seguito nel detto congresso frà il S. Campricht e Fagel, e mi faceva instanza di fare ancora le mie diligenze al sud° effetto di saperne il vero; al che essendomi mostrato pronto di ubbidire nel modo che havessi saputo e potutò, prossegui la M. S. in riferire lo studio ch' haveva usato quest' ambasciatore d' Olanda per assicurarla che fossero ottimi, e sincere, e piene di rispetto, le intentione delle Stati verso della M. S., e che l' armamento suo non fosse che ad oggetto puramente diffensivo, considerate di prima le dissentioni con la Danimarca, e poi aumentato le giuste gelosie dalla condotta e minaccie della Francia, e trattamento rigoroso in ordine al commercio che si usava con i loro sudditi, il che haveva anco dato raggionevole motivo alli medesimi Stati di portarsi à prohibire, come intendevano di fare, tutti li generi e manifatture della Francia stessa. Nonostante queste abbondanti significationi, diceva S. M. di haver fatta riflessione, che il detto ambasciatore replicasse nel suo discorso affettattamente molte volte, che lui ambasciatore non havesse mai inteso nelle conferenze tenute nel tempo del suo soggiorno in Olanda, motivarsi alcun ombra di direttione contro di questo regno, il qual modo di dire, che poteva contenere sensi ambigui, non rendeva intieramente appagato l' animo della M. S., abbenche il naturale dello stesso ambasciatore non dia molto à sospettare per questo lato. Disse la M. S. di essersi spiegata col detto ambasciatore di non approbare la dichiaratione fatta dalli Francesi alli Stati in ordine à ciò, che la riguarda seguita senza suo consenso ò partecipatione, e che dovessero considerare che egli sapeva di essere il Rè d' Inghilterra, ma non poteva perciò impedire che il Rè di Francia dasse tali ordini alli suoi ministri che più le piacessero. Esser bensi nell' arbitrio delli Stati di obligarlo à prevalersi delle offerte della Francia stessa, che sin' hora non haveva accettate, desiderando di conservare la pace, purche gli altri ancora convenissero nelli medesimi dettamenti. Disse poi che le diligenze sopra la più volte referita lega di religione si andavano pressando essendone il promottore il Principe d' Oranges, al qual effetto si sollecitava hora il Rè di Danimarca ad entrarvi. Passando poi il discorso sopra le mosse de' Francesi, conchiuse, che non credeva ancora che fossero li primi à rompere la guerra ed intraprendere. Io risposi à quest' ultimo, che non si dubitava che il gran zelo e prudenza della M. S. non se impiegassero, quanto si poteva, à fare un argine favorevole alla tranquillità publica, contribuendo sempre molto il fare in maniera che la Francia non havesse à lusingarsi di poter contare sopra l' attacamento ò più tosto dipendenza di questa corona da suoi voleri inordinati: e quanto alla lega di religione, non si poteva negare che si pareva difficile, che la constitutione presente delle cose potesse dare modo alli Principi heretici di Germania, con il concorso anco dagl' Olandesi, d' intraprendere un impegno di questa

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sorto, come nella deduttione de particolari è assai chiaro di riconoscere, senza pero lasciar di stare con la più cautelata attentione per rumpere un dissegno cosi empiò, quando m' apparisse alcun ombra, e la M. S. disse che non lasciava di vedervi le sue difficoltà. Queste notitie le vengono date principalmente dal suo ministro all' Haya, sopra il di cui spirito sento che la Francia habbi assai forti le influenze. La sera seguita delli 19 doppo l' arrivo delle lettere di Francia, essendomi incontrato con Milord Sunderland, mi disse che il Rè desiderava di parlarmi quella stessa sera, onde mi portai ad attendere che la M. S. finisse di cenare. Il che fatto, nel vedermi mi condusse in un altra stanza della Regina con dire, che veniva d' intendere con le lettere di Pariggi, che si fosse spedito da quella corte un offitiale al Marchese di Castagnaga, Governatore de' Paesi Bassi, per fargli la medesima, ò simile dichiaratione, di già fatta in Olanda in ordine alla M. S., che pero non essendo questo sua intentione come nemeno lo era stato l' altra, lo sentina con molto dispiacere aumentato ancora dalla riflessione, che il Rè di Spagna potesse mai credere che fosse caduto nel pensiero della M. S., che esso Rè Cattolico sia capace di promovere ò consentire nell' attentate degli Olandesi, quando havessero in animo di esseguirlo contro della sua corona, onde non trovandosi quà l' ambasciatore di Spagna, che si era trasferito à Londra, desiderava che io gli facessi sapere questi suoi sensi in tempo che per il lunedi seguente potesse subito scriverne al Governatore di Fiandra, acciò non si mettesse il alcuna inquietudine per la sudetta dichiaratione, conchiudendo che Milord Sunderland mi haverebbe communicato più precisemente il tenore della stessa dichiaratione, con tutto il di più concernante à questo negotio. Io mostrai la prontezza dovuta in comformarmi alli comandamenti della M. S. in una cosa masse in cui si agiva del suo particolar servitio, e che rissultava grandemente al publico vantaggio, lodando insieme la sua grande prudenza in non lasciarsi sorprendere dagl' artificii pericolosi, che le venivano intentati con ponderarne il pregiuditio. La M. S. continuò in espressioni di sentimento con dire di essere stata posta in egual paragone del S. Cardinale di Furstemberg, e che il Rè di Francia si era ordito un gran male à se stesso ed alla maesta S. insieme in questo fatto, e che doppo la morte del Cancelliere Tellier si erano fatti de' gran passi falsi in quel consiglio, con simili a lori concetti che indicavano quanto habbi sentito al vivo un simil successo.

Viddi in apresso Milord Sunderland con cui essendo all' hora molto tardi, si resto in concerto di rimettere il parlarne alla mattina, come in fatti fui à ritrovarlo alla sua casa ad hora commoda, essendo però egli ancor al letto. In primo luogo mi lesse la lettera del S. Skelton di Pariggi, nella quale dava parte, che si era spedito con diligenza un tal' à Brusselles con ordine d' intimare al S. Marchese di Castagnaga, che essendo li Spagnoli si strettemente aleati con gl' Olandesi, quando questi si portassero à fare alcun atto di hostilità contro l' Inghilterra, ò la facessero contro le pretensioni del S. Cardinale di Furstemberg, si dichiarava la guerra alla Spagna. Doppo letto, Milord

ponderò la stravaganza di tal modo di agire, ed insieme quella del ministro di S. M. che si era lasciato sedurre sino à questo ponto, però, che si conveniva di richiamarlo. Intanto esser necessario, che li Spagnoli fossero informati della verità del fatto, come rispetto dagl' Olandesi se ne era di già spiegato il tenore à questo ambasciatore d' Olanda. Diceva, che finalmente si vedrebbe, se vi fosse la stretta aleanza con la Francia come si publicava, e che questo incidente servirebbe almeno à rettificare le intentioni e la condotta di questa corte, che si voleva mantenere lontana da tutti quegl' impegni, che potessero pregiudicare si nel suo particolare, come alla rissolutione constante, che quà si haveva, di promovere il ben publico, e non di intorbidarlo. Io non lasciai di commendare questi buoni sentimenti, e ponderarle il vantaggio, col levarsi le gelosie tanto radicate e visibili dalla natione, e col mantenere ed accrescere la stima ed autorità regia in ogni parte, per essere sempre in stato di farla valere à publico beneficio.

Passo poi Milord al discorso delle cose del Parlamento, e della speranza che haveva del buon esito del medesimo, havendo la M. S. già parlato à questi principali Anglicani della corte nel modo che haveva prima rissoluto di voler fare, li quali tutti si erano espressi non solo di approvare li giusti dissegni della M. S., ma di volerli promovere con ogni loro potere; e che li medesimi se ne erano spiegati abbondatamente con lui Milord in maniera che ne sia rimasto contanto, nominando particolarmente Milord Darmuth, ch' è il più tenace Anglicano, Milord Feversham, Milord Churcel, Milord Godolfin, li quali diceva, che si mostravano desiderosi di voler adempire con vigore le loro parti per il buon successo dello stesso Parlamento. Nondimeno, che questo cosi sia, si sente da ogni parte, che l' animo della gente si mostri sempre più inasprito contro li Cattolici, e à traversare li santi dissegni di S. M., onde si deve ricorrere special assistenza del Signore per che voglia prottegerli e secondarli, in cosi gran congiontura, à sua maggior gloria.

Prima di portarmi da Milord Sunderland havevo havuto notitia che l' ambasciatore di Spagna fosse per venire da Londra la stessa mattina, come in fatti arrivò poco doppo di essermi partito da Milord, ed essendogli andato alla corte, le sopravenne immediatamente un espresso di Fiandra con lettere di Vienna, che portavano la felice nuova dell' aquisto di Belgrado seguito per assalto il di 6 del corrente mese, di che subitone diede la notitia à S. M. nel ritornare, che faceva dalla messa alle sue stanze, e la riceve con sommo giubilo, del quale se ne riempi tutta la corte. Nella stessa occasione la M. S. le parlò di tutto quello che concernava il suo particolare, onde non habbi occasione di far seco altro parte, mi hà bensi egli communicato doppo, che S. M. si mostrasse sensitissima dal sucesso, e che se la dichiaratione fatta in Olanda gl' era dispiaciuta, quella seguita in Bruselles lo era in sommo grado, dicendo queste parole con ardenza, come far questo al Rè di Spagna al quale sono tanto obligato e che amo tanto, e replicasse più volte simile espressione.

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Mercordi sera essendo ritornato Milord Sunderland da Londra, dove era stato il giorno prima per affari in ordine al Parlamento, mi hà detto di passaggio, che veniva di sentire dal Rè, che l' ambasciatore di Francia in audienza havuta il giorno, l' havesse pressato fortissimamente accioche S. M. non volesse richiamare il Signor Skelton di Pariggi, ma che la M. S. era stata constante nella sua rissolutione, sopra di che mi haverebbe parlato più à longo il giorno seguente, che fù hieri, ma non vi è stato il luogo per esser l' aponto. Hieri venuto l' avviso della morte di Milord Spenser suo primogenito seguita in Pariggi, il quale nondimeno tenendo un modo di vivere assai sregolato, e contrario alli buoni sentimenti del padre, farà probilmente che il dolore della perdita non sarà cosi constante, che non sia più facile alla sua prudenza di superarne gl' impulsi.

La M. della Regina doppo di haver preso un poco di medicamento per precautione li giorni passati, si è trovata in apresso con qualche incommodo di colica, di cui, Dio gratia, ne rimase in breve tempo libera, ed ora si porta benissimo, come fà similmente il Principe: e con ciò resto facendo à V. E. prof° inchino.

Vindsor, 24. 7^bre^, 1688. ADDA.

8 8bre, 1688. . . . . Diceva S. M. che si publicasse in Olanda, che hora era il tempo di dare un grande colpo alla religione Cattolica, mentre il Rè di Francia era divertito in altre parte, aggiongeva che havessero truppe di Svetia, Brandeburgo, la Scotia, e di tal effetto dalla liga de' Protestanti sollecitata da toto tempo dal Principe d' Oranges, che colà apprendessero questa cavalleria, di che S. M. ci compiaceva, dicendo, che havevasse raggione perche era ottima, ed haverebbe 5 mile cavalli effettivi, sempre più hò riconosciuto nel discorso di S. M., ed admirata la grandezza dell' animo suo veremente heroico, e superiore à tutti gl' avenimenti. . . . . .

15 8bre, 1688. . . . . Sopra la consideratione delle corr^i^ emergenze piene di timor, e della facilità che vi potesse essere di condescendere alle dimande che fossero per fare questi pseudo-vescovi, che vedendosi ricercati non lasciarebbero di prevalersi dell' occasione creduta à loro favorevole, dal che ne potesse poi rissultare alcun pregiuditio alla religione Cattolica, ne ho tenuto proposito con Milord Sunderland replicat^te^, il quale mostra una somma aprensione dello stato periculoso in cui si è, e crede necessaris° di dover cedere qualche cosa per non perder tutto, e poi con la Regina, con haver loro detto tutto quello ch' hò saputo, acciochè il zelo dell' honore di Dio havesse il primo luogo nelle deliberationi che si prendevano, non per alcun dubbio che il Rè e li buoni consiglieri fossero mai per indursi à fare alcuna cosa contro il med° di animo deliberato, ma per il pericolo di essere sorpresi dall' altrui malitia, ch' usarebbe di tutti gl' artificii possibili per machinare contro la religione e l' autorità regia, perciò ogni cautela maggiore esser più necessaria per evitarli. La Regina in

particolare con il suo solito zelo mi disse, che ne haveva gia parlato al Rè, e che ne parlarebbe ancora, non dubitando però mai che facesse alcun passo ne pericolo ne grande contro la propria conscienza e dovere; e di più, che haveva parlato ad alcuni principali Anglicani, che sono nella corte, accioche dovessero consigliare li vescovi medesimi à non far domande fuora d' ordine perche non le haverebbero mai ottenute. Disse che havevano rissoluto di presentare con la maggior sommissione in scritto le stesse domande à S. M., osservata però da esse la conditione di un secreto inviolabile, accioche non si sapesse quello che domandavano, ne quello che venisse loro ricusato, rimettendosi in tutto alla M. S., il che pare un argomento di dover credere in essi qualche spirito di moderatione. . . . . .

. . . . Lord Darmuth che commanda hora la flota, sino dal tempo della rebellione di Montmuth, che si doveva temere molto più il Principe d' Oranges, e bisognava ben guardarsene, che si sarebbe lasciato portare dalla frenesia di voler regnare, havendolo ben mostrato nel tempo che si trattava della sua esclusione nel Parlamento, ma che non haveva mai creduto che fosse capace di un attione cosi enorme come questa che intraprendeva. Disse, che mettendo il piede à terra il Principe non haverebbe voluto mai la M. S. sentir parlare di alcun accordo, benche vi fossero nel Vaithal, de' quelli che havevano gl' affari in mano, à quali girava il capo ripetendo più volte, ed erano di contrario parere; ma che era Rè e gentilhuomo insieme pronto à morir mille volte, più tosto che fare una indignità, che vedendo alcuna proposi-tione del Principe, la prima volta haverebbe rimandato che la portasse, e la seconda l' haverebbe fatto appicare, e risposto col cannone, prosseguendo con grand' accensione ed vehemenza in altre simili espressioni. Disse poi che leggeva nelle istorie d' Inghilterra due sucessi, ne quali si potevano cavar insegnamenti per il caso presente, e racontò à longo il fine tragico di due Rè, si ben mi souviene, Ricardo secondo, ed un Henrico, li quali sotto titolo d' accordo furono spogliati del regno e del vita, da suoi più stretti parenti, ed agressori. Replicava con ardenza di temere quelli del Vaithal più che li nemici di fuora, che lo havevano pressato à condescendere a molte cose contro sua voglia, ma che hora faceva ponto fisso, ripetendo più volte, che non rilasciarebe più un atomo. Disse, che veniva di rendere alle città del regno le carte de' privilegii, come hà fatto à quella di Londra, ma che non era tanto quanto si credeva l' importanza di questa concessione, abbenche non lo dicesse, mentre nel passato regno, in cui si erano in parte levati, riusciva vantaggioso, per non esservi all' hora un essercito da tener i popoli in dovere, come haveva presentemente, però godeva, che la stimassero una gratia segnalata. Disse, che non le paresca opportuno di chiamar in alcun modo hora un Parlamento, mentre sarebbe aponto un dar il modo al Principe d' Oranges di valersene contro la M. S., e similmente non giudicava di fare una convocatione particolare de' signori come le era stato proposto. Conchiudeva di confidare,

29 8bre, 1688.

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unicamente nel Signore che lo haveva assistato in tante tribulationi passate, che non lo abbandonarebbe in questa congiontura, e che haverebbe difesa la religione sino alla morte, con altri sensi simili pieni di zelo e di heroica fortezza. Disse di dover all' hora tenere un consiglio con gl' ufficiali generali, replicando in fine, che non rilasciarebbe più un ponto. Non lasciai di significare alla M. S. il grave sentimento che provarebbe S. Beat^ne^ nell' intendere lo stato pericoloso di queste cose, con le continue sante orationi che offeriva al Signore per la prosperita della M. S. e de suoi pii dissegni, particolarmente sopra li riscontri che gia haveva da altre parti delle attuali perverse intentioni del Principe d' Oranges, con tutto il di più ch' hò saputo in simil congiontura. Havendo in tal occasione rapresentato alla M. S. il mio desiderio di conformarmi alli suoi reali comãndamenti con quello di poterle rendere alcun particolare benche tenue servitio, S. M. detta qualche parola di benignità soggionse, che dovevo stare vicino alla Regina, la quale sarebbe trattenuta quà sinche si riconoscesse che vi era sicurezza, e che si sarebbe fatto trasferire il Principe al Vaithal, per esser vicino alla madre; aggiongendo, che tutta questa guerra si faceva al Principe medesimo: se si prenderanno altre rissolutioni in ordine alla dimora dalla M. della Regina, ne daro riverentemente conto à V. E.

31 Genn. 1689.

. . . . . Mi disse poi la Maesta sua che era gionto un paggio di Milord D' Arran con lettere d' Inghi^a^, le quali portavano principalmente che si apprendesse dal Principe d' Oranges l' affare d' Irlanda più difficile che si era imaginato, destinando a quel' intrapresa un maggiore numero di truppe di prima, con la dispositione da farle ancora commendare dallo stesso Marechale di Schomberg; il che faceva credere alla M. S. che Milord Tyrconnel se fosse messo in un buon stato di difesa, benche non avesse nuove a direttura da quella parte. Diceva esservi gia più partiti in Londra, che li pseudo-vescovi con gli Anglicani nominandi alquanti Milordi principali, come il Duca di Somerset, il Conte di Nottingam, e quello di Pembroek, fossero per la M. S.; una gran parte de gl' altri siano per stabilire una republica, con titoli ed assegnamenti al P^e^ d' Oranges uniformi à quelli che tiene in Olanda, altri per farlo Rè, altri per far Regina la Principessa, ed altri per dare ad ambidue l' autorità regia indist^e^; ma la M. S. credeva, che si sarebbe venuto ad una di queste ultime dichiarat^i^. Intanto la M. S. haveva fatto stendere una lettera diretta al Consiglio Privato del tenore dell' annessa traduttione, che mi dò l' honore di rimettere à V. E., con far publicare ancora di nuovo le raggioni che l' hanno indotta à sortire dal regno, e che haveva lasciate in Rochester prima di partire, sperando che possino fare una buona impressione nel' animo de' popoli. Disse, che li Spagnoli erano intieram^te^ negl' interressi del P^e^ d' Oranges, e che il gov^te^ di Fiandra haveva dissegnato di fare una deputatione verso il medesimo, ma che il P^e^ l' haveva ricusata, dicendo di non voler Cattolici hora presso di se. Parlò del pericolo, in cui diceva essere la reli-

gione universalmente per la lega de' Protestanti; li quali tenevano già le loro truppe ne' vescovati di Allemagna, e pretendevano l' abbadia di Fulder con diffundersi long^e in questo particolare; e conchiuse, che mi parlarebbe doppo che fosse stata à Versaglies.

CARTAS DE DON PEDRO RONQUILLO.

Londres, 12 de Ag^ta, 1686. D. Pedro Ronquillo. R^da en 4 de Sep^re.

Como la posta de Espania se vino sin socorro ninguno, de una vez se retiro mi correspondiente de asistirme, reduciendome a la necesidad de abandonar la corte y venirme a encerrar en casa. Asimismo tiempo todas las cartas de afuera, y todas las indeligencias de adentro, me confirmavan en la gran fuerza que hacian a este Rey los Franceses y sue parciales para que rompiesen juntos guerra a los Olandeses. Embiê mi familia a esta ciudad, y yo me detube en Windsor a seguir esta importante negociation: hallê que andava muy fuerte, y parte con quexas, y parte con promesas (que Dios y V. M. sabra si se compliran), apure todo el negociado, hasta tener copia del papel de razones que se proponien a este Rey para el intento, y de que embio copia a V. M. creindo que fuera de los que manejon el negocio no ha passado a otra mano. Despues de esta y otras muchas diligencias huzgue por lo mejor que el ambassador de Olanda (que estava todo aturdido) fuere a hablar al Rey, con el pretexto de participarle las diligencias que hasian los diputados de los Estados Generales paraque tuviese efecto el destierro de los reveldes, y fue menester hacerle apuntamentos de la forma en que havia de introducir y hablar con este Rey en este negocio: y pareciendome que era el quien lo devia hacer, y no yo, respect de hallarse ministro de aquellos estados immediatamente interesados, y mantenerme yo sin empeno, y reservarme yo para hablar en la materia si fuese necesario, siendo V. M. aliado de ambas potencias; pero no dexe de decir à algunos, quan indispensable seria a todos los principes interesados contra la exaltacion de Francia, sin nombrar a V. M. dexar de mantener a los Olandeses como necesarios para la conservacion de los respectivos dominios de cada principe.

Tubo su audiencia el ambassador de Olanda, y se vino luego, seg^n me dixo, al caso. S. M^d Br^ca monstro sentim^to part^e en quanto a la detencion de los reveldes en aquellas provincias, pero admitiendo las satisfacciones honesto ofertas del embassador para el remedio, y no haciendo tanto caudal de lo que levantan, suponiendo que se acomodarian aquellas diferencias por expedientes. Le afirmo que ni tenia ni tendria empeno con Francia, y que solo havia entre ellos la disposicion de ajustamento del comercio de los vassalos reciprocos de la America, y señalamento de confines en las tierras que confinan y posehian juntos;

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y que haviendome ofrecido que se prevendrian todos los inconvenientes que yo havia propuesto, assi acia la concervacion de los dominios de V. M. en la America, como el no estenderse mas el Rey de Francia, esperava que yo le satisfacia de la firmeza de la que se ofrecia, y que el queria mantener las amistades que tenia con V. M. y con ellos por su propria conveniencia: que ademas de todo lo referido el no estava para hacer una guerra, assi por el caudal que le faltava, como por las dificultades que tenia, que es sosegar dentro de su reyno; y que escriviere a sus amos que el dava su palabra R^l del cumplimento de lo referido, y que yo no me dexare enganiar de los artificios de Franceses: que son las propias palabras con que acabo este discurso, y haviendo tocado el punto de la religion y asegurado le Ziters que no se meselarian los Estados en esto. S. M^d Br^ca le dico que lo que havia obrado el Rey xristianissimo no havia sido ni como xrno ni como buen politico, y que entendia que era contra los preceptos de la Sagrada Scriptura, y que aunque se holgaria de ver que nostra sagrada religion fuere abrazada, no pensava en forcar a nadie la conscientia, y que solo pretendia que los Catholicos Ingleses no fuesen de peor calidad que los demes, ni tratados como traydores desposehidos de las livertades y franquezas que tienen los demas Ingleses.

No confesso este Rey que se le havian hecho proposiciones ni condiciones per parte de Francia, como es verdad, pero el papel solo contiene razones, pero confeso que havian hablado en la materia, diciendo que sus enemigos introducian estos discursos, y que no solo eran los que andavan en el reyno, sino es muchos de los que asistian al circulo de la Reyna y a su aposento; que el los conocia, y que procuraria con el tpo manifestarlo, y concluyo exhortandole à que se aconsejase con migo, y siguiese mi conducta: con que, gracias a Dios, creo que se tiene y-a la mas eficaz prueva que se puede conseguir de la frimeza deste Rey contra las invectibas y solicitudes de Franceses y afrancesados, pero no la bastante para dejar de estar con toda viligancia, assi por la esperiencia que se tiene de que los Françeses no desistiran de reiterar sus artificios con el mejor pretexto, pues han buelto tan fuertamenta a la carga, no obstante la negativa que se dia a Bonrrepos; y tanto mas me parece que es esto necesario, quanto algunos de los Catl^os que andan en la corte son desta opinion, y deste partido, y aun quieren persuadirme que no atreviendose ningun ministro à mostrar al Rey las razones del Rey de Francia, se encargaron aun Catholico. Yo no lo afirmo à V. M., pero como otras veces le he representado, estamos muy poco obligados a los mas cortesanos destos, con los quales yo disimulo, y procuro grangear los para que siendo impraticable tanto por razones de la religion como de politica el alejarlos, es menester tomar el partido de atraerlos; y si alguna cosa me asegura g^d este Rey conoce los artificios de Francia que es lo mismo que desaprobarlos, es el que aora me comunican mas assi en la religion como en otras cosas que antes no lo hacian. Como no es gente versada en los negocios, y no tienen conocimiento ninguno de los intereses politicos, y de los principes, combiniera mucho para desenganarlos de su herror, hacer otro papel

combenciendo las razones de los Franceses, y assentando la verdad de las contrarias y las ventajas que dellas resultaran a la religion à la union deste Rey con su reyno, y a las combeniencias de uno y otro; y aunque mucho desto esta ambencido con las mismas contradiciones que ayen el papel de los Franceses, y se bastantemente como assentar las contrarias con los fundamentos propios y particularidades deste reyno. Estoy tal que aun no se como escribo a V. M. estos renglones, pero si Dios me remedia con un poco de animo lo executare, y espero que con satisfacion y servicio de V. M. y este Rey, y convencimiente de estos seniores Catholicos.

Io bolvi el Jueves a este ciudad por las razones que llevo referidas; no se quando bolvere a Windsor, porque no se si podre vencer a mi correspondiente a ello porque hasta à ora se mantiene en no assistirme, y toda mi familia alboratada y con razon, y yo sin saver que hacerme, porque ni tengo con que sustentarla ni con que despedirla. Juntase a esto el que estas diligencias que se han hecho piden algun reconocimiento, y almismo tpo me tiene traspasado et corason de que en mi avsencia no se concluya el tratado de America; porque aunque como he dho a V. M. espero deshacerle, temo que si me avsento no encagen los afrancesados las artificiosas clausulas artificiales que havian descurrido, y que S. M. Brittannica me ha prometido que no consentira. Digo a V. M. que este ultimo golpe de haverme retirado de Windsor no solamte me ha postrado el animo sino la salud, y como ya la esperiencia ha enseñado que los achaques proceden destas pasiones, no tienen mas remedio, sino que V. M. se apiade de mi sacandome del y haviendome justicia.

Hanse parecido anticipar a V. M. estos avisos pues no dudo que le habran llegado de Olanda, y de todas partes el de estar hecho este tratado, pues aun desde Constantinopola escrive un mercader a su correspondiente aqui, que entre las razones que el embasador de Francia dio al Gran Visir para que no hiciese la paz y continuase la guerra contra el Emp^or^, la principal fue asegurar que su amo y este Rey havian hecho liga para remper con Olanda, y esto lo prueva bien claram^te^ una de las razones del papel. Dios, etc.

Vino con carta de Don Pedro Ronquillo de 12 Agosto.

Que los agravios é injusticias que le han hecho los Olandeses, y à sus vasalles son insoportables, y que no hay apariencia de que hagan reparacion. Que han fomentado la ultima rebelion, y que dantodo asil a los rebeldes de S. Mg^d^, y que en fin no podia jamas llegar aqui al fin de sus facciones, mientras no se destruya a esta republica; que no ha havido jamas una semejante coyuntura para destruirlos que la presente, en la qual se hallan empreadas contra los Turcos todas las fuerzas que pudieran socorrerlos. y

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que estan asegurados de buena parte que no haran los Turcos tan presto la paz. Que si deja pasar esta coyuntura se havan insolentes, tanto sus propios vasallos, como los Olandeses, y sera despreciado de toda la tierra; que las facciones y principalmente el partido de los de Orange se aumentaran tanto, que le continuiran a mudar sus resoluciones por lo que toca à religion y à su prerrogativa, y a poner en el Principe de Orange, como succesor, casi el govierno de todo; que queriendo dejar pasar esta ocasion desobligara al Rey de Francia y perdera su amistad que le estan necesaria, y le hara recelar que se interesa con sus enemigos; que por este medio obligara a este monarcha a fomentar las facciones contra el Zaun, à traher a los Olandeses y al Principe de Orange contra el; que seran tan ruines que se dexaran persuadir a juntarse con ellos contra los Olandeses; que debe pedir dinero a su Parlamento para esta guerra, y decirle claramente que sino quiere darsele, que no debe estrañar que lo busque en casa de su vecina; que in caso que se le nieguen, debe estender su prerrogativa para sacar dinero, y que a demas el Rey de Francia le dara lo bastante que por esta guerra; el Rey se hara poderoso, y formidable; que si despues los Francieses quisieren sacar demasiada ventaja desta asistencia, podra hallar el Rey bastantes medios para oponerseles, y despues de la destruision de la Republica de Olanda tendra tiempo de reclamar los socorros de la augustissima casa que se holgara dello con mucho mas fruto para la religion Catholica. Que quando para establecer y confirmar aqui la religion Catholica sea menester hacerse en alguna manera dependiente de la Francia, y poner en manos deste monarcha la dicision de la succesion de la corona, se hallara obligado a ello, porque sera mexor que sus vasallos vengan a serlo del Rey de Francia siendo Catholicos, que el que queden como esclavos del dia, y no gozan desta grande livertas de que tanto abusan al presente; pero que no hay que aprehender que sevea nunca contringido de llejar a este punto; que esta guerra le dara un buen pretexto para continuar, y aumentar sus tropas; que sara bien de obrar abiertamente y sin disimulacion con el Parlamento y el pueblo, tanto en este negocio, como en todos los demas, à fin de no dar lugar à recelos ni miedos, y de convencerlos de su sinceridad, como tambien de su firmesa, y de su valor.

Londres, 26 di Mayo, 1687. Don Pedro Ronquillo. Recivida en 17 de Junio.

Señor,

Los malcontentos no cesan de influir en Monsieur Dicfeldt todo lo que pueden, para desconfiarle deste Rey. Y el siendo de su natural sospechoso, poco afecto à Catholicos, y harto desvanecido de su opinion y credito en su tierra, aprehende mas de lo que debiera. Mantienere siempre en lo prin-

cipal que es de que este Rey no les hara la guerra, ni alterara ningun derecho del Principe y de la Princesa de Orange à la succesion. Y despues de haverle moderado sus sospechas contra los Catholicos. Y pareciendo que quedaba con sosiego, menos en las adherencias con Francia, le encontre el otro dia sumamente preocupado de la libertad de conciencia que tanto havia aplaudido, diciendo que personas de bueno nota, y de la Iglesia Anglicana, le havian advertido que todo esto pararia en hacerse republica este reino despues de la muerte deste Rey, y que quanto esto estaba mas oculto le daba mas cuidado, particularmente haviendole un personaje Catholico insinuado esto como con amenaza: y que este era un cuidado que tocaba mas à los Estados que à nosotros, porque si esto succediere seria su ruina, y por la misma razon à nosotros no nos podia estar mal, respecto de que este reyno en republica dipenderia de España, y la de Olanda se perderia, con otras consideratione en su imaginacion tan vivas y presentes como si este fuera asi, y estuviera para succeder de un dia para otro. Yo mi holgue de hallarle en este aprehencion sin las demas, porque no me pudo negar que sero grande error tomar medidas para lo presente sobre succeso que estaba tan remoto, y que para llegarse à trastornar este goviérno era menester los años que se gastaron en tiempo del Rey padre, y que tomasen otros medios cuyo reparo no estuviere prevenido, y que no se huviesen servido dellas en las últimas conspiraciones los republicanos; que yo no comprehendia como tan presto havia mudado de opinion, pues dies dias ha estaba muy contento de la libertad de conciencia, por ser los mas previlegiados en ella los Presbiterianos, que son de su mismo religion. Confesomelo asi, y que eran tres Anglicanos los que le havian descubierto este secreto, y paro en que todo su recelo consistia en las adherencias que en esta corte tenian los Franceses.

A la noticia di los tres Anglicanos, que le parecia secretisima, y que por esto le causaba mayor cuidado, quedo un poco confuso quando le hica evidencia deque no havia ningunos de aquella secta que no hiciesen publico este discurso; que la lastima (a su parecer) deque este Rey se huviese declarado tan resueltamente por la revocacion del texto y los juramentos, y que no le huviesen podido reducir a lo contrario, no se la discurria, porque era ya irremediable; que los mismos Anglicanos eran los que havian esforzado la ressolucion ultima de la libertad de conciencia, haviendo hecho tema y oposicion en que desistiese el Rey del empeno contra al texto, y que el podia informarse, y aun haverlo experimentado, que nada estableçia el respecto de S. M. Britannica como la constancia en sus resoluciones, y que quanto era mayor que la de su germano y padre; si se rindiese à sus vasallos, le reducirian, sino al funesto paradero de Carlos primero su padre, al abatido de su germano Carlos 2°; que el sabia que el Rey aborrecia a estos fanaticos, y se inclinaba à los Anglicanos, que son por la monarquia: que estos estaban en estado de componerse, pues el Rey convendria en quanto pidiesen para su conservacion, si ellos les correspondiesen con la revocacion del texto, y que si el se fiaba tanto dellos

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los probase con esta proposicion, y para que se asegurare de que no obstante las pesadumbres que le havian dado las cabezas de los Anglicanos, la inclinacion del Rey era à ellos reparase en que haviendo podido deshacer este Parlamento y llamar otro donde fuesen elegidos los Presbiterianos, no solo no lo havia hecho pero solicitaba actualmente con los presentes, y usaba de todos los medios posibles para reducirlos. Esto le sosego mucho, y aunque quiso introducirme en mas conversacion, lo escusé diciendo que yo no hablaba ya con el de bueno gana, porque sospechaba que no me crehia; que se informase ser cierto lo que le havia dicho, y que entonces yo le asistiria con el desahogo de que no me sospechaba.

Ha buelto a estar conmigo reducido à ser cierto lo que le exprese, y por escusar à V. M. relaciones de prolijas conferencias me reducire à la dicision, que es no dudar de ninguna manera mientras durare la vida del Rey, ni de la amistad con el Estado, ni de la firmeza en el cariño y succesion de sus hijos, y que si se ofreciere aqui sedicion el Principe y los Estados obrarian con todo empeño por el partido del Rey; que el Principe no acogeria a los que fuesen malcontentos à Olanda, pero que los que fuesen hechados por causa de ser Protestantes, era forzoso admitirlos, pues ellos aprobaban que el Rey hiciese lo mismo con los Catholicos, y quedo distinguido que no se tendrian por causa de religion los que se recogiesen à Olanda por haver recivido mortificacion por haverse opuesto al Rey: à quien dije esto oltimo, declarandole sinceramente que S. M. debia estar contento desta declaracion, y que no persiguiendo S. M. à nadie por causa de religion, antes manteniendo firma la libertad de conciencia, no podia llegar el caso de la excepcion de Dicfeld, pero que si obrase lo contrario no podra quejarse de que los desteriados de aqui, como los Ugonotes de Francia, hallasen abrigo en los Estados y en el Principe; y que yo le prevenia esta noticia à S. M^d, para que quando estuviese con Dicfeld se aprovechase della, y no solamente aprobo, pero me agradecio el consejo.

Es cierto que el punto de religion embarasa de una y otra parte, y que este ha de subministrar siempre recelos reciprocos, pero lo es tambien que manteniendose las cosas en este estado no se desuniran Inglaterra y Olanda, ni este Rey de con sus hijos, para la conservacion de unos y otros, particularmente asegurada el Principe de Orange de todos los recelos de que su suegro le embarace la succesion; y el y los Olandeses consideran tanto a este Rey que siempre procuraran tenerle contento, aunque los de Amsterdam no lo han mostrado en el caso de los oficiales, de que V. M. estara informado por la via de Olanda.

Los recelos con la inteligencia con Francia se han moderado en mucha parte con lo que el Rey se ha declarado en la ocasion de la proposicion de la garantia, de que doy quenta à V. M^d en otro despacho; y el mismo Dicfeld me ha dicho que el Sabado le participó este Rey el contenido de nuestras memorias con mucho agradecimiento, y satisfaccion de la augustissima casa, y que esperaba que Francia convendria en lo mismo, haviendole dicho Dicfeld

que no lo dudaba por muchas razones, pero que si la Francia lo contradijese era señal evidente de que pensaba hacer luego la guerra, y que el primer golpe caeria sobre los Payses Bajos que estaban sin ninguna defensa, le respondio que si este caso llegase llamaria aquel mismo dia el Parlamento, estando cierto de que le darian quanto dinero pidiese para hacer la guerra a Francia. Con que Dicfeld ha ensanchado su animo, y ha escrito en muy buena forma al Principe y a los Estados, aunque picandole mucho la espina de la intimidad que hay entre el Conde de Sunderland y el embajador de Francia; no obstante ser aoro motivo de discurso entre los cortesanos, lo que se familiariza con migo desde que estos dias parecio algun susto en su conservacion, y desde que esta Reyna me muestra algun genero de agrado y satisfaccion.

Dicfeld no ira à Windsor, pero no sabe quando se bolbera à Olanda, aunque tiene licencia, porque este Rey le ha dicho que no se despida hasta que le haya hablado muy despacio en los negocios, y segun lo que S. M^{d} me ha insinuado, no piensa acabarlos en una audiencia. Yo espero que Dicfeld me difiera aora mucho, y este Rey me muestra bastante agrado de la verdad y sinceridad con que le digo lo que entiendo, pues conoce que es interes de V. M. y suyo el que ambos corran en buena inteligencia con los Estados Generales; y esta representacion es lo que tengo que responder à tres despachos de V. M^{gd} con que me hallo que hablan desta materia de 26 de Marzo, 24 de Abril, y 8 de Mayo, que acabo de recibir en este instante: debiendo anadir que V. M. no dude que primero me faltara la vida que promueva cosa que ser contraria à nra sagrada religion, asi por ordenarmelo V. M. y por entender que en esto estriva el logro de lo que podemos esperar en este reyno en lo temporal, como porque gracias à Dios soy tan fino Catholico como Castellano. Dios, etc.

N°. II.

LETTERS OF SUNDERLAND, KIRKE, AND JEFFREYS.

Letter from Colonel Kirke to the Earl of Sunderland, dated at Taunton, August 12. 1685.

(From the Domestic Letters in His Majesty's State Paper Office, 1661 to 1686. Vol. I.)

My L^d^, Taunton, the 12th Aug. 1685.

APPENDIX II.

I RECEIVED this encloosed from the messinger yo^r^ L^dsp^ sent hitther to take Jones. I had advice last Sunday of some Rebelles, that had gott by the sea side, 20 milles from this place, and the Parson of that Parrish has some reson to believe fergison among them. I sent a party of Dragounes thither, but have noe accounte yet. L^nt^ Withers that comand att Bridgwatter, has taken severall Prissniors in the Mores. Sunday last he took 13 and a Cap^t^; his name is Godfrey. My L^d^ Cornbours Troope of Dragounes marched yesterday to Welles from hence.

My L^d^
Yo^r^ L^dsp^ most humble
And obed^t^ sarv^t^
P. KIRKE.

Letter from Lord Chief Justice Jeffreys to the Earl of Sunderland, dated at Dorchester, Sept. 8. 1685.

GIVE me leave (my dearest Lord) w^th^ more importunitie than ordnary, to begge yo^r^ Lordships patronage and protection in that station that (next to his Maj^tie^) I will to Eternitie own to yo^r^ Lordships favour, and desire to continue noe longer in any condition than whilest I act my gratitude more than I can speak it. I heartily beseech y^r^ Lordship to tender my most humble duty and thankfullnesse to his Maj^tie^ for his most gratious thought of mee, and assure him I will to the utmost approve myself his most loyal and faithfull serv^t^, and,

My dearest Lord
Yo^r^ Lordships most Entirely devoted
JEFFREYS.

Dorchester. 8th Sept. 1685.

From Lord Chief Justice Jeffreys to the Earl of Sunderland, dated at Dorchester, Sept. 10. 1685.

I MOST heartily rejoice (my Dearest Dearest Lord) to heare of y^r^ safe returne to Winsor. I this day began w^th^ the tryall of the Rebells at Dorchester, and have dispatched 98; but am at this tyme soe tortured w^th^ the stone that I must begge yo^r^ Lordships intercession to his Maj^tie^ for the incoherincie of what I have adventured to give his Maj^tie^ the trouble of, and that I may give my selfe soe much ease by yo^r^ Lordships favour as to make use of my servants pen to give a relation of what has happened since I came here. My Dearest Lord, may I ever be tortured with the stone if I forget to approve myself

My Dearest Lord

Your most faithfully devoted Serv^t^

JEFFREYS.

Dorchester, 10th Sept. 8 at night.

For Godsake make all excuses, and w^h^al be sure, a word of comfort.

The Earl of Sunderland to Lord Chief Justice Jeffreys.

My Lord, Windsor, Sept. 14. 1685.

SINCE my last I have your Lo^ps^ of the 11^th^ from Dorchester, which I have acquainted his Ma^ty^ with, who directs me to tell you that he approves intirely of all your proceedings, which you give an account of in your letter, and particularly of your having respited the two Prisoners, who accuse Mr. Prideaux; upon reading of whose confessions his Maj^ty^ has directed Mr. Prideaux to be apprehended, in order to his commitment to the Tower.

His Maj^ty^ commands me also to acquaint you that of such persons as you shall think qualified for transportation, he intends Sir Philip Howard should have 200, Sir Richard White 200, Sir W^m^. Booth, M^r^ James Kendall, M^r^ Niphoe, Sir W^m^ Stapleton, Sir Christopher Musgrave, and a Merchant (whose name I do not yet know) 100 each; and his Maj^ty^ would have your Lo^p^ accordingly give order for delivering the said numbers to the said persons respectively, or to such as they shall appoint to receive them, the said parties entering into security, that they will take care that the said Prisoners be forthwith transported to some of his Maj^ties^ southerne Plantations; viz. Jamaica, Barbadoes, or any of the Leward Islands, in America, to be kept there for the space of ten years before they have their liberties; and that his Maj. and the country may be eased of the charge of the said prisoners as soon as possible.

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his Maj^ty has thought fit to let the above named persons know, that they are to take the said Prisoners off his hands within the space of ten days, after which they that have them respectively are to maintain them, his Maj^ty intending to be at no further charge about them, but for guarding them to the Ports where they are to be embarked. I am,

My Lord,
Your Lo^ps, &c.
SUNDERLAND.

Prideaux is taken, and in the Tower. The Queen has asked a hundred more of the Rebells who are to be transported. As soon as I know for whom, you shall heare from me again.

Lord Jeffreys.

My Lord, Windsor, Sept. 15. 1685.

I ACQUAINTED your Lo^p in mine of the 14th, how his Maj^ty is pleased to dispose of several of the convicted Rebells, who are designed for transportation, in pursuance whereof his Maj^y commands me to signify his pleasure to you that you give order for delivering to Sir Philip Howard, or such person as he shall appoint, 200 of the said prisoners, upon the conditions mentioned in my said Letter. I am,

My Lord, &c.
SUNDERLAND.

Like Letter for 200 to Sir Richard White.
100 — Sir W^m Booth.
100 — Mr. James Kendall.
100 — Mr. Niphoe.
100 — Sir W^m Stapleton.
100 — Sir Christopher Musgrave.
100 —

Letter from Lord Chief Justice Jeffreys to His Majesty King James II., dated at Taunton, Sept. 19. 1685.

I MOST humbly beseech yo^r Maj^tie to give mee leave to lay hould of this opportunitie, by my Lord Churchill, to give your Maj^tie an account that I have this day finished what was necessary for yo^r Maj^ties service in this place; and begge leave that yo^r Maj^tie will be gratiously pleased to lett me referre to my Lord Churchill for the particulars; for I have not as yet perfected

my papers soe as to be able to doe it soe exactly as my duty to yo^r Maj^ties service requires. I received yo^r Maj^ties comands, by my Lord Sunderland, about the Rebells yo^r Maj^tie designes for transportation; but I beseech yo^r Maj^tie that I may inform you that each prisoner will be worth 10*l.*, if not 15*l.* apiece; and, Sir, if y^r Maj^tie orders them as y^u have already designed, persons that have not suffered in the service will run away with the booty, and I am sure, Sir, yo^r Maj^tie will be continually perplexed with petitions for recompences for sufferers, as well as for rewards for servants. Sir, I hope yo^r Maj^tie will pardon this presumption. I know it is my duty to obey. I have only respited doing any thing, till I know your Royal pleasure is, they should have the men: for uppon my allegiance to y^o, Sir, I shall never trimme in my obedience to y^r comands in all things. Sir, had not yo^r Maj^tie beene pleased to declare y^r gratious intentions to them that served y^u in the soldiery, and also to the many distressed families ruined by this late Rebellion, I durst not have presumed to have given yo^r Maj^tie this trouble. Sir, I will, when I have the hon^r to kisse yo^r Maj^ties hands, humbly acquaint you with all matters yo^r Maj^tie hath been gratiously pleased to entrust mee w^th, and doubt not, Sir, but to be able to propose a way how to gratifie all such as yo^r Maj^tie shall be pleased to thinke deserving of it, w^thout touching yo^r Exchequ^r. I most humbly thro my selfe at y^r Royall feete, for y^r pardon for this presumption, w^ch I was emboldened to by yo^r Maj^ties most gratious acceptance of my meane services. Sir, I begge leave to inclose some papers of the confessions and behaviour of those that were executed since my last. I purpose for Bristow on Munday, and thence to Wells; and shall not dare to trouble yo^r Maj^tie any further; except it be to beseech y^r Royall pardon for all the misstakes, and crave leave heartily and humbly to assure y^r Maj^tie I had rather dye than omitt any opportunity wherein I might approve my selfe,

Royal Sir,

Yo^r Maj^ties most dutifull

And obedient Subject and Serv^t,

Taunton, 19. Sept. JEFFREYS.

Wade reserves himselfe till he attends yo^r Maj^t. I have ordered him hence on Munday.

From Lord Chief Justice Jeffreys to the Earl of Sunderland, dated at Bristol, Sept. 22. 1685.

I AM just now come (my most hono^red Lord) from discharging my Duty to my sacred Master, in executing his commission in this his most factious Citty, for my Lord, to be playne upon my true affection and honour to your Lordship, and my allegiance and duty to my Royall Master, I thinke

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this Citty worse than Taunton; but, my Good Lord, tho' harras'd with this dayes fateague, and now mortified with a Fitt of the Stone, I must begge leave to acquaint your Lordship, that I this day comitted Mr. Mayor of this Citty, Sir W^m^ Hayman, and some of his Brethren, the Aldermen, for Kidnappers, and have sent my Tipstaffe for others equally concern'd in that villany: I therefore begge your Lordship will acquainte his Ma^tie^ that I humbly apprehend it infinitely for his service, that he be not surpriz'd into a pardon to any man, though he pretend much to Loyalty, till I have the Hon^r^ and Happinesse I desire of kissing his Royall hand. The reasons of this, my humble request, are too many to be confined within the narrow compass of this paper; but, my Deare Lord, I will pawne my Life, and that which is dearer to me, my Loyalty, that Taunton and Bristolle, and the County of Somersett too, shall know their duty both to God and their King, before I leave them. I purpose to-morrow for Wells, and in a few dayes don't despair to perfect the Worke I was sent about, and if my Royall Master would be gratiously pleased to think I have contributed any thing to his service, I am sure I have arrived to the heighth of my ambition. The particulars of Taunton I humbly referre to my Lord Churchill's Relation, who was upon the place. I have receā severall Letters signed by your Lordship for the disposall of the Convicts; I shall certainly be obedient to his Ma^ties^ comands, tho' the Messengers seeme to me too impetuous for a hasty complyance, and now least (My Dearest Lord) should be afflicted by further trouble, as I am at this time by paine, I will only say that I am, and with all truth and sincerity ever will approve myselfe,

Your Lord^ps^ most Dutifull
Gratefull and faithfull, as I am your
Most obliged Serv^t^,

Bristoll, 22nd Sept. 1685. (Signed) JEFFREYS.

ABSTRACT OF THE ESTABLISHMENT OF THE LAND FORCES FOR ENGLAND AND WALES FOR 1685, AND OF THE ADDITIONS MADE IN THE THREE FOLLOWING YEARS.

ABSTRACT of the Establishment of the Land Forces for England and Wales, as fixed from 1st January, 1685: —

	Officers and Men.
14 Regiments of Cavalry -	5,565
2 Do. of Foot Guards -	3,564
14 Do. of Foot, and 16 Non-regimented Companies	10,649
Total	19,778

Abstract of additional Establishment for three following years: —

1686.	Officers and Men.
From 1st January, a second Adjutant was added to the Foot Guards; and from 1st March, a second Adjutant and a Chirurgeon's Mate were added to the Royal Regiment of Foot -	3
From 1st July, an addition was made to the Horse Guards of -	239
Total of Additions in 1686	242

1687.
Nil.

1688.	Officers and Men.
From 1st April, three new Regiments of Foot were ordered to be raised, to consist of - - - - -	2,328
From 1st September, the following additions were made to the establishments: —	
To the Cavalry - - - - -	1,793
Foot Guards - - - - -	364
Regiments of Foot - - -	4,842
Total of additions in 1688	9,327

No. III.

THE INVITATION TO THE PRINCE OF ORANGE.

June 30. 1688.

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We have great satisfaction to find, by 35, and since, by Mons. Zuylistein, that your Highness is so ready and willing to give us such assistance as they have related to us. We have great reason to believe we shall be every day in a worse condition than we are, and less able to defend ourselves, and, therefore, we do earnestly wish we might be so happy as to find a remedy before it be too late for us to contribute to our own deliverance; but, although these be our wishes, yet we will by no means put your Highness into any expectations which may misguide your own councils in this matter; so that the best advice we can give is, to inform your Highness truly both of the state of things here at this time, and of the difficulties which appear to us. As to the first, the people are so generally dissatisfied with the present conduct of the government in relation to their religion, liberties, and properties (all which have been greatly invaded); and they are in such expectation of their prospects being daily worse, that your Highness may be assured there are nineteen parts of twenty of the people throughout the kingdom who are desirous of a change; and who, we believe, would willingly contribute to it, if they had such a protection to countenance their rising, as would secure them from being destroyed, before they could get to be in a posture able to defend themselves: it is no less certain, that much the greatest part of the nobility and gentry are as much dissatisfied, although it be not safe to speak to many of them beforehand; and there is no doubt but that some of the most considerable of them would venture themselves with your Highness at your first landing, whose interest would be able to draw great numbers to them, whenever they could protect them, and the raising and drawing men together; and, if such a strength could be landed as were able to defend itself and them, till they could be got together into some order, we make no question but that strength would quickly be increased to a number double to the army here, although their army should all remain firm to them; whereas we do, upon very good grounds, believe, that their army then would be very much divided among themselves; many of the officers being so discontented, that they continue in their service only for a subsistence (besides that some of their minds are known already): and very many of the common soldiers

do daily show such an aversion to the Popish religion, that there is the greatest probability imaginable of great numbers of deserters which would come from them, should there be such an occasion; and amongst the seamen, it is almost certain that there is not one in ten who would do them any service in such a war. Besides all this, we do much doubt whether this present state of things will not yet be much changed to the worse, before another year, by a great alteration, which will, probably, be made both in the officers and soldiers of the army, and by such other changes as are not only to be expected from a packed parliament, but what the meeting of any parliament, in our present circumstances, may produce against those who will be looked upon as principal obstructers of their proceedings there; it being taken for granted, that, if things cannot then be carried to their wishes in a parliamentary way, other measures will be put in execution by more violent means; and, although such proceedings will then heighten the discontent, yet such courses will, probably, be taken at that time, as will prevent all possible means of relieving ourselves.

These considerations make us of opinion, that this is a season in which we may more probably contribute to our own safeties than hereafter (although we must own to your Highness there are some judgments differing from ours in this particular); in so much that, if the circumstances stand so with your Highness, that you believe you can get here time enough in a condition to give assistance this year sufficient for a relief under those circumstances which have been now represented, we who subscribe this will not fail to attend your Highness upon your landing, and to do all that lies in our power to prepare others to be in as much readiness as such an action is capable of, where there is so much danger in communicating an affair of such a nature, till it be near the time of its being made public. But, as we have already told your Highness, we must also lay our difficulties before your Highness; which are, chiefly, that we know not what alarum your preparations for this expedition may give, or what notice it will be necessary for you to give the states beforehand, by either of which means their intelligence or suspicions here may be such as may cause us to be secured before your landing; and we must presume to inform your Highness, that your compliment upon the birth of the child (which not one in a thousand here believes to be the Queen's) hath done you some injury; the false imposing of that upon the Princess and the nation being not only an infinite exasperation of people's minds here, but being certainly one of the chief causes upon which the declaration of your entering the kingdom in a hostile manner must be founded on your part, although many other reasons are to be given on ours. If, upon a due consideration of all these circumstances, your Highness shall think fit to venture upon the attempt, or, at least, to make such preparations for it as are necessary (which we wish you may), there must be no more time lost in letting us know your resolution concerning it, and in what time we may depend that all the preparations will be ready; as also whether your Highness does believe the preparations can be so managed as not to give them

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warning here, both to make them increase their force, and to secure those they shall suspect would join with you. We need not say any thing about ammunition, artillery, mortar-pieces, spare arms, &c., because, if you think fit to put any thing in execution, you will provide enough of these kinds, and will take care to bring some good engineers with you; and we have desired Mr. H. to consult you about all such matters, to whom we have communicated our thoughts in many particulars too tedious to have been written, and about which no certain resolutions can be taken till we have heard again from your Highness.

25. 24. 27. 29. 31. 35. 33.
Sh. Dev. Danby. Lumley. London. Russel. Sydney.

THE PRINCE OF ORANGE'S FIRST DECLARATION.

It is both certain and evident to all men, that the public peace and happiness of any state or kingdom cannot be preserved where the laws, liberties, and customs established by the lawful authority in it are openly transgressed and annulled; more especially where the alteration of religion is endeavoured—and that a religion which is contrary to law is endeavoured to be introduced; upon which those who are most immediately concerned in it are indispensably bound to endeavour to preserve and maintain the established laws, liberties, and customs, and, above all, the religion and worship of God that is established among them; and to take such an effectual care that the inhabitants of the said state or kingdom may neither be deprived of their religion, nor of their civil rights; which is so much the more necessary, because the greatness and security both of kings, royal families, and of all such as are in authority, as well as the happiness of their subjects and people, depend in a most especial manner upon the exact observation and maintenance of these their laws, liberties, and customs. Upon these grounds it is that we cannot any longer forbear to declare, that, to our great regret, we see that those counsellors who have now the chief credit with the King, have overturned the religion, laws, and liberties of these realms, and subjected them in all things relating to their consciences, liberties, and properties, to arbitrary government; and that not only by secret and indirect ways, but in an open and undisguised manner. Those evil counsellors, for the advancing and colouring this with some plausible pretexts, did invent and set on foot the King's dispensing power; by virtue of which they pretend, that, according to law, he can suspend and dispense with the execution of the laws that have been enacted by the authority of the King and parliament for the security and happiness of the subject; and so have rendered those laws of no effect: though there is nothing more certain than that as no laws can

be made but by the joint concurrence of King and parliament, so likewise laws so enacted, which secure the public peace and safety of the nation, and the lives and liberties of every subject in it, cannot be repealed or suspended but by the same authority. For though the King may pardon the punishment that a transgressor has incurred, and to which he is condemned, as in cases of treason or felony; yet it cannot be with any colour of reason inferred from thence, that the King can entirely suspend the execution of those laws relating to treason or felony, unless it is pretended that he is clothed with a despotic and arbitrary power, and that the lives, liberties, honours, and estates of the subjects depend wholly on his good will and pleasure, and are entirely subject to him; which must infallibly follow on the King's having a power to suspend the execution of laws, and to dispense with them. Those evil counsellors, in order to the giving some credit to this strange and execrable maxim, have so conducted the matter that they have obtained a sentence from the judges, declaring that this dispensing power is a right belonging to the crown; as if it were in the power of the twelve judges to offer up the laws, rights, and liberties of the whole nation to the King, to be disposed of by him arbitrarily, and at his pleasure, and expressly contrary to laws enacted for the security of the subjects. In order to the obtaining this judgment, those evil counsellors did beforehand examine secretly the opinion of the judges, and procured such of them as could not in conscience concur in so pernicious a sentence to be turned out, and others to be substituted in their room, till, by the changes which were made in the courts of judicature, they at last obtained that judgment. And they have raised some to those trusts who make open profession of the Popish religion, though those are by law rendered incapable of all such employments. It is also manifest and notorious that, as his Majesty was, upon his coming to the crown, received and acknowledged by all the subjects of England, Scotland, and Ireland, as their king, without the least opposition, though he made then open profession of the Popish religion, so he did then promise and solemnly swear at his coronation, that he would maintain his subjects in the free enjoyment of their laws, rights, and liberties; and, in particular, that he would maintain the Church of England as it was established by law. It is likewise certain, that there have been, at divers and sundry times, several laws enacted for the preservation of those rights and liberties, and of the protestant religion; and, among other securities, it has been enacted, that all persons whatsoever that are advanced to any ecclesiastical dignity, or to bear office in either university, as likewise all others that should be put in any employment, civil or military, should declare that they were not Papists but were of the protestant religion, and that by their taking of the oaths of allegiance and supremacy, and the test; yet these evil counsellors have, in effect, annulled and abolished all those laws both with relation to ecclesiastical and civil employments. In order to ecclesiastical dignities and offices they have, not only without any colour of law, but against most express laws to the con-

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trary, set up a commission of a certain number of persons, to whom they have committed the cognisance and direction of all ecclesiastical matters; in the which commission there has been, and still is, one of his Majesty's ministers of state who makes now public profession of the Popish religion; and who, at the time of his first professing it, declared that for a great while before he had believed that to be the only true religion. By all this, the deplorable state to which the Protestant religion is reduced is apparent, since the affairs of the Church of England are now put into the hands of persons who have accepted of a commission that is manifestly illegal, and who have executed it contrary to all law; and that now one of their chief members has abjured the Protestant religion and declared himself a Papist; by which he is become incapable of holding any public employment. The said commissioners have hitherto given such proof of their submission to the directions given them, that there is no reason to doubt but they will still continue to promote all such designs as will be most agreeable to them. And those evil counsellors take care to raise none to any ecclesiastical dignities but persons that have no zeal for the Protestant religion, and that now hide their unconcernedness for it under the specious pretence of moderation. The said commissioners have suspended the Bishop of London, only because he refused to obey an order that was sent him to suspend a worthy divine, without so much as citing him before him to make his own defence, or observing the common forms of process. They have turned out a president chosen by the fellows of Magdalen College, and afterwards all the fellows of that college, without so much as citing them before any court that could take legal cognisance of that affair, or obtaining any sentence against them by a competent judge; and the only reason that was given for turning them out was their refusing to choose for their president a person that was recommended to them by the instigation of those evil counsellors, though the right of a free election belonged undoubtedly to them; but they were turned out of their freeholds contrary to law, and to that express provision in Magna Charta, that 'no man shall lose life or goods but by the law of the land;' and now these evil counsellors have put the said college wholly into the hands of the Papists, though, as is above said, they are incapable of all such employments, both by the law of the land and the statutes of the college. These commissioners have also cited before them all the chancellors and archdeacons of England, requiring them to certify to them the names of all such clergymen as have read the King's declaration for liberty of conscience, and of such as have not read it, without considering that the reading of it was not enjoined the clergy by the bishops, who are their ordinaries. The illegality and incompetency of the said court of the ecclesiastical commissioners was so notoriously known, and it did so evidently appear that it tended to the subversion of the Protestant religion, that the most Reverend Father in God, William, Archbishop of Canterbury, Primate and Metropolitan of England, seeing that it was raised for no other end but to oppress such persons who were of eminent

virtue, learning, and piety, refused to sit or to concur in it. And, though there are many express laws against all churches or chapels for the exercise of the Popish religion; and also against all monasteries and convents, and more particularly against the order of the Jesuits; yet those evil counsellors have procured orders for the building of several churches and chapels for the exercise of that religion: they have also procured divers monasteries to be erected; and, in contempt of the law, they have not only set up several colleges of Jesuits, in divers places, for corrupting of the youth, but have raised up one of the order to be a privy counsellor and a minister of state; — by all which they do evidently show that they are restrained by no rule or law whatsoever; but that they have subjected the honours and estates of the subjects, and the established religion, to a despotic power, and to arbitrary government; in all which they are served and seconded by those ecclesiastical commissioners. They have also followed the same methods with relation to civil affairs; for they have procured orders to examine all lords-lieutenants, deputy-lieutenants, sheriffs, justices of the peace, and also all others that were in any public employment, if they would concur with the king in the repeal of the test and the penal laws: and all such whose consciences did not suffer them to comply with their designs were turned out, and others were put in their places who, they believed, would be more compliant to them in their designs of defeating the intent and execution of those laws which had been made with so much care and caution for the security of the Protestant religion; and in many of these places they have put professed Papists, though the law has disabled them, and warranted the subjects not to have any regard to their orders. They have also invaded the privileges and seized on the charters of most of those towns that have a right to be represented by their burgesses in parliament, and have secured surrenders to be made of them; by which the magistrates in them have delivered up all their rights and privileges to be disposed of at the pleasure of those evil counsellors; who have thereupon placed new magistrates in those towns, such as they can most entirely confide in; and in many of them they have put Popish magistrates, notwithstanding the incapacities under which the law has put them. And whereas no nation whatsoever can subsist without the administration of good and impartial justice, upon which men's lives, liberties, honours, and estates do depend; those evil counsellors have subjected these to an arbitrary and despotic power in the most important affairs; they have studied to discover beforehand the opinions of the judges, and have turned out such as they found would not conform themselves to their intentions, and have put others in their places of whom they were more assured, without having regard to their abilities; and they have not stuck to raise even professed Papists to the courts of judicature, notwithstanding their incapacity by law, and that no regard is due to any sentences flowing from them. They have carried this so far as to deprive such judges, who, in the common administration of justice, show that they

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were governed by their consciences, and not by the directions which the others gave them; by which it is apparent, that they design to render themselves the absolute masters of the lives, honours, and estates of the subjects, of what rank or dignity soever they may be; and that without having any regard either to the equity of the cause, or to the consciences of the judges, whom they will have to submit in all things to their own will and pleasure: hoping by such ways to intimidate those other judges who are yet in employment, as also such others as they shall think fit to put in the rooms of those whom they have turned out, and to make them see what they must look for if they should at any time act in the least contrary to their good liking; and that no failings of that kind are pardoned in any persons whatsoever. A great deal of blood has been shed in many places of the kingdom by judges governed by those evil counsellors against all the rules and forms of law, without so much as suffering the persons that were accused to plead in their own defence. They have also, by putting the administration of justice in the hands of Papists, brought all the matters of civil justice into great uncertainties, with how much exactness and justice soever that these sentences may have been given: for, since the laws of the land do not only exclude Papists from all places of judicature, but have put them under an incapacity, none are bound to acknowledge or obey their judgments, and all sentences given by them are null and void of themselves: so that all persons who have been cast in trials before such Popish judges may justly look on their pretended sentences as having no more force than the sentences of any private and unauthorised persons whatsoever, — so deplorable is the case of the subjects, who are obliged to answer to such judges, that must in all things stick to the rules which are set them by those evil counsellors; who, as they raised them up to those employments, so can turn them out of them at pleasure, and who can never be esteemed lawful judges; so that all their sentences are, in the construction of the law, of no force and efficacy. They have likewise disposed of all military employments in the same manner; for though the laws have not only excluded Papists from all such employments, but have in particular provided that they should be disarmed; yet they, in contempt of those laws, have not only armed the Papists, but have likewise raised them up to the greatest military trusts both by sea and land; and that strangers as well as natives, and Irish as well as English: that so, by these means, they having rendered themselves masters both of the affairs of the church, of the government of the nation, and of the course of justice, and subjected them all to a despotic and arbitrary power, they might be in a capacity to maintain and execute their wicked designs by the assistance of the army, and thereby to enslave the nation. The dismal effects of this subversion of the established religion, laws, and liberties in England appear more evidently to us by what we see done in Ireland, where the whole government is put in the hands of Papists, and where all the Protestant inhabitants are under the daily fears of what may be justly appre-

hended from the arbitrary power which is set up there, which has made great numbers of them leave that kingdom and abandon their estates in it; remembering well that cruel and bloody massacre which fell out in that island in the year 1641. Those evil counsellors have also prevailed with the King to declare in Scotland that he is clothed with absolute power, and that all the subjects are bound to obey him without reserve; upon which he has assumed an arbitrary power, both over the religion and laws of that kingdom; — from all which it is apparent what is to be looked for in England as soon as matters are duly prepared for it. Those great and insufferable oppressions, and the open contempt of all law, together with the apprehensions of the sad consequences that must certainly follow upon it, have put the subjects under great and just fears, and have made them look after such lawful remedies as are allowed of in all nations; yet all has been without effect. And those evil counsellors have endeavoured to make all men to apprehend the loss of their lives, liberties, honours, and estates, if they should go about to preserve themselves from this oppression by petitions, representations, or other means authorised by law. Thus did they proceed with the Archbishop of Canterbury and the other bishops; who, having offered a most humble petition to the King, in terms full of respect, and not exceeding the number limited by law, (in which they set forth, in short, the reasons for which they could not obey that order, which, by the instigation of those evil counsellors, was sent them, requiring them to appoint their clergy to read in their churches the declaration for liberty of conscience,) were sent to prison, and afterwards brought to a trial, as if they had been guilty of some enormous crime. They were not only obliged to defend themselves in that pursuit, but to appear before professed Papists, who had not taken the test, and by consequence, were men whose interest led them to condemn them; and the judges that gave their opinions in their favours were thereupon turned out. And yet it cannot be pretended that any kings, how great soever their power has been, and how arbitrary and despotic soever they have been in the exercise of it, have ever reckoned it a crime for their subjects to come in all submission and respect, and in a due number, not exceeding the limits of the law, and represent to them the reasons that made it impossible for them to obey their orders. Those evil counsellors have also treated a peer of the realm as a criminal, only because he said that the subjects were not bound to obey the orders of a Popish justice of peace; though it is evident that they, being by law rendered incapable of all such trust, no regard is due to their orders; this being the security which the people have by the law for their lives, liberties, honours, and estates, that they are not to be subjected to the arbitrary proceedings of Papists, that are, contrary to law, put into any employments, civil or military. Both we ourselves and our dearest and most entirely beloved consort, the Princess, have endeavoured to signify, in terms full of respect to the King, the just and deep regret which all these proceedings have given us; and, in compliance with his

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Majesty's desires, signified to us, we declared, both by word of mouth to his envoy, and in writing, what our thoughts were touching the repealing of the test and penal laws; which we did in such a manner, that we hoped we had proposed an expedient by which the peace of those kingdoms, and a happy agreement among the subjects of all persuasions, might have been settled; but those evil counsellors have put such ill constructions on those our good intentions, that they have endeavoured to alienate the King more and more from us, as if we had designed to disturb the happiness and quiet of the kingdom. The last and great remedy for all these evils is the calling of a parliament, for securing the nation against the evil practices of those wicked counsellors; but this could not be yet compassed, nor can it be easily brought about: for those men, apprehending that, a lawful parliament being once assembled, they would be brought to an account for all their open violations of law, and for their plots and conspiracies against the Protestant religion and the lives and liberties of the subjects, they have endeavoured, under the specious pretence of liberty of conscience, first to sow dissensions amongst Protestants, between those of the Church of England and the dissenters, the design being laid to engage Protestants, that are all equally concerned to preserve themselves from Popish oppression, into mutual quarrellings, that so, by these, some advantages might be given to them to bring about their designs; and that both in the election of members of parliament, and afterwards in the parliament itself; for they see well that, if all Protestants could enter into a mutual good understanding one with another, and concur together in the preserving of their religion, it would not be possible for them to compass their wicked ends. They have also required all the persons in the several counties of England, that either were in any employment, or were in any considerable esteem, to declare beforehand that they would concur in the repeal of the test and penal laws, and that they would give their voices in the elections to parliament only for such as would concur in it. Such as would not then pre-engage themselves were turned out of all employments; and others, who entered into those engagements, were put in their places, many of them being Papists. And, contrary to the charters and privileges of those boroughs that have a right to send burgesses to parliament, they have ordered such regulations to be made as they thought fit and necessary for assuring themselves of all the members that are to be chosen by those corporations; and by this means they hope to avoid that punishment which they have deserved; though it is apparent that all acts made by Popish magistrates are null and void of themselves, so that no parliament can be lawful for which the elections and returns are made by popish sheriffs and mayors of towns; and, therefore, as long as the authority and magistracy is in such hands, it is not possible to have any lawful parliament. And though, according to the constitution of the English government, and immemorial custom, all elections of parliament men ought to be made with an entire liberty, without any sort of force, or

the requiring the electors to choose such persons as shall be named to them, and the persons thus freely elected ought to give their opinions freely upon all matters that are brought before them, having the good of the nation ever before their eyes, and following in all things the dictates of their conscience; yet now the people of England cannot expect a remedy from a free parliament legally called and chosen; but they may, perhaps, see one called, in which all elections will be carried on by fraud or force, and which will be composed of such persons of whom those evil counsellors hold themselves well assured, in which all things will be carried on according to their direction and interest, without any regard to the good or happiness of the nation; which may appear evidently from this, that the same persons tried the members of the last parliament, to gain them to consent to the repeal of the test and penal laws, and procured that parliament to be dissolved, when they found that they could not, neither by promises nor threatenings, prevail with the members to comply with their wicked designs. But, to crown all, there are great and violent presumptions, inducing us to believe that those evil counsellors, in order to the carrying on of their ill designs, and to the gaining to themselves the more time for the effecting of them, for the encouraging of their complices, and for the discouraging of all good subjects, have published that the Queen hath brought forth a son; though there hath appeared, both during the Queen's pretended bigness, and in the manner in which the birth was managed, so many just and visible grounds of suspicion, that not only we ourselves, but all the good subjects of those kingdoms, do vehemently suspect that the pretended Prince of Wales was not born by the Queen. And it is notoriously known to all the world that many both doubted of the Queen's bigness, and of the birth of the child; and yet there was not any one thing done to satisfy them or to put an end to their doubts. And, since our dearest and most entirely beloved consort, the Princess, and likewise ourselves, have so great an interest in this matter, and such a right, as all the world knows, to the succession to the crown; since also the English did, in the year 1672, when the States General of the United Provinces were invaded in a most unjust war, use their utmost endeavours to put an end to that war, and that in opposition to those who were then in the government; and by their so doing, they run the hazard of losing both the favour of the court and their employments; and, since the English nation has ever testified a most particular affection and esteem both to our dearest consort, the Princess, and to ourselves, we cannot excuse ourselves from espousing their interests in a matter of such high consequence, and from contributing all that lies in us for the maintaining both of the Protestant religion, and of the laws and liberties of those kingdoms, and for the securing to them the continual enjoyment of all their just rights; to the doing of which we are most earnestly solicited by a great many lords, both spiritual and temporal, and by many gentlemen and other subjects of all ranks. Therefore it is that we

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have thought fit to go over to England, and to carry over with us a force sufficient, by the blessing of God, to defend us from the violence of those evil counsellors; and we, being desirous that our intention in this may be rightly understood, have for this end prepared this declaration, in which we have hitherto given a true account of the reasons inducing us to it; so we now think fit to declare, that this our expedition is intended for no other design but to have a free and lawful parliament assembled as soon as possible; and that in order to this, all the late charters by which the elections of burgesses are limited, contrary to the ancient custom, shall be considered as null and of no force; and likewise all magistrates who have been unjustly turned out, shall forthwith resume their former employments; as well as all the boroughs of England shall return again to their ancient prescriptions and charters; and, more particularly, that the ancient charter of the great and famous city of London shall again be in force; and that the writs for the members of parliament shall be addressed to the proper officers, according to law and custom; that also none be suffered to choose or to be chosen members of parliament but such as are qualified by law; and that the members of parliament, being thus lawfully chosen, they shall meet and sit in full freedom, that so the two houses may concur in the preparing of such laws as they, upon full and free debate, shall judge necessary and convenient, both for the confirming and executing the law concerning the test, and such other laws as are necessary for the security and maintenance of the Protestant religion; as likewise for making such laws as may establish a good agreement between the Church of England and all Protestant dissenters; as also for the covering and securing of all such who would live peaceably under the government, as becomes good subjects, from all persecution upon the account of their religion, even Papists themselves not excepted; and for the doing of all other things which the two houses of parliament shall find necessary for the peace, honour, and safety of the nation, so that they may bear no more danger of the nation's falling at any time hereafter under arbitrary government. To this parliament we will also refer the enquiry into the birth of the pretended Prince of Wales, and of all things relating to it, and to the rights of succession. And we, for our part, will concur in every thing that may procure the peace and happiness of the nation, which a free and lawful parliament shall determine; since we have nothing before our eyes, in this our undertaking, but the preservation of the Protestant religion, the covering of all men from persecution for their consciences, and the securing to the whole nation the free enjoyment of their laws, rights, and liberties, under a just and legal government. This is the design that we have proposed to ourselves in appearing upon this occasion in arms; in the conduct of which we will keep the forces under our command under all strictness of martial discipline, and take a special care that the people of the countries through which we must march shall not suffer by their means; and, as soon as the state of the nation will admit of it, we promise that we will

send back all those foreign forces that we have brought along with us. We do, therefore, hope that all people will judge rightly of us, and approve of these our proceedings: but we chiefly rely on the blessing of God for the success of this our undertaking, in which we place our whole and only confidence. We do, in the last place, invite and require all persons whatsoever, all the peers of the realm, both spiritual and temporal, all lords-lieutenants, deputy-lieutenants, and all gentlemen, citizens, and other commons of all ranks, to come and assist us, in order to the executing of this our design, against all such as shall endeavour to oppose us, that so we may prevent all those miseries which must needs follow upon the nation's being kept under arbitrary government and slavery; and that all the violences and disorders which may have overturned the whole constitution of the English government may be fully redressed in a free and legal parliament. And we do likewise resolve, as soon as the nations are brought to a state of quiet, we will take care that a Parliament shall be called in Scotland, for the restoring the ancient constitution of that kingdom; and for bringing the matters of religion to such a settlement that the people may live easy and happy; and for putting an end to all the unjust violences that have been in a course of so many years committed there. We will also study to bring the kingdom of Ireland to such a state, that the settlement there may be religiously observed; and that the Protestant and British interest there may be secured. And we will endeavour, by all possible means, to procure such an establishment in all the three kingdoms, that they may all live in a happy union, and correspond together; and that the Protestant religion, and the peace, honour, and happiness of these nations, may be established upon lasting foundations.

Given under our hand and seal, at our court in the Hague, the 10th day of October, in the year 1688.

WILLIAM HENRY, PRINCE OF ORANGE.

THE PRINCE OF ORANGE'S ADDITIONAL DECLARATION.

The above declaration was printed, and ready to be sent over to England, together with another to the same effect for Scotland; when his Highness, being informed that King James had taken measures to render it ineffectual, caused the following addition to be made to it: —

AFTER we had prepared and printed this our Declaration, we have understood that the subverters of the religion and laws of those kingdoms, hearing of our preparations to assist the people against them, have begun to retract some of the arbitrary and despotic powers that they had assumed, and to vacate some of their unjust judgments and decrees. The sense of their guilt, and the dis-

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trust of their force, have induced them to offer to the city of London some seeming relief from their great oppressions; hoping thereby to quiet the people, and to divert them from demanding a secure re-establishment of their religion and laws, under the shelter of our arms. They do also give out that we intend to conquer and enslave the nation; and therefore it is that we have thought fit to add a few words to our declaration. We are confident that no persons can have such hard thoughts of us as to imagine that we have any other design in this undertaking, than to procure a settlement of the religion, and of the liberties and properties of the subjects, upon so sure a foundation, that there may be no danger of the nation's relapsing into the like miseries at any time hereafter. And, as the forces that we have brought along with us are utterly disproportioned to that wicked design of conquering the nation, if we were capable of intending it, so the great numbers of the principal nobility and gentry, that are men of eminent quality and estates, and persons of known integrity and zeal, both for the religion and government of England; many of them being also distinguished by their constant fidelity to the crown, who do both accompany us in this expedition, and have earnestly solicited us to it, will cover us from all such malicious insinuations. For it is not to be imagined that either those who have invited us, or those who are already come to assist us, can join in a wicked attempt of conquest, to make void their own lawful titles to their honours, estates, and interests. We are also confident that all men see how little weight there is to be laid on all promises and engagements that can be now made; since there has been so little regard had in time past to the most solemn promises. And, as that imperfect redress that is now offered is a plain confession of those violations of the government that we have set forth, so the defectiveness of it is no less apparent: for they lay down nothing which they may not take up at pleasure; and they reserve entire, and not so much as mentioned, their claims and pretences to an arbitrary and despotic power; which has been the root of all their oppression, and of the total subversion of the government. And it is plain that there can be no redress nor remedy offered, but in parliament; by a declaration of the rights of the subjects that have been invaded; and not by any pretended acts of grace, to which the extremity of their affairs has driven them. Therefore it is that we have thought fit to declare, that we will refer all to a free assembly of the nation, in a lawful parliament.

Given under our hand and seal, at our court in the Hague, the 24th day of October, in the year 1688.

WILLIAM HENRY, PRINCE OF ORANGE.

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RÉCIT DU DÉPART DU ROI JACQUES II. D'ANGLETERRE, ÉCRIT DE SA MAIN, ETC.*

(Mackintosh MSS., from the *Archives Générales de France.*)

Les affaires étant réduites à la dernière extrémité par la défection presque générale de la noblesse et du clergé, par la désertion de la pluspart des officiers principaux et autres de l'armée, et par le peu de confiance que le Roi avoit dans les Protestants qui restoient encore avec lui, Sa Majesté jugea qu'elle n'avoit pas d'autre parti à prendre que de se retirer avec la Reine et le Prince en lieu de sureté. C'est pourquoi quand il partit de Londres pour Salisbury, pour s'opposer au Prince d'Orange, qui s'avançoit de ce côté-là, il fit transporter le Prince à Portsmouth, où il pourroit être en plus grande sureté qu'à Londres, et d'où il pourroit être plus facilement transporté en France, que Sa Majesté regardoit comme le lieu unique qui lui pourroit servir d'asile en cas que les affaires continuassent d'aller de mal en pis. Et en effet quelques jours après que le Roi revint à Londres, voyant les choses désespérées et sans remède, Sa Majesté dépêcha ses ordres à Portsmouth pour faire transporter incessamment le Prince en France, et y fit conduire un yacht pour cela: mais par la mauvaise conduite du Comte de Douvre, et les difficultés et scrûpules (pour ne rien dire de pire) du Milord de Dartmouth, qui commandoit la flotte, le Prince ne put partir de-là, de sorte que Sa Majesté fut obligée de le faire revenir à Londres, où il arriva le 8. Décembre vieux style; et y ayant fait préparer toutes les choses nécessaires pour mettre la Reine et le Prince en lieu de sureté, après avoir surmonté plusieurs grandes difficultés, Sa Majesté les fit partir fort secrètement le Dimanche au soir 9. Décembre, sous la conduite du Comte de Lauzun, sans les soins duquel, vu les accidents et dangers auxquels ils étoient exposés, la Reine et le Prince auroient courru grand risque à ne pouvoir pas échaper. Le lendemain matin S. Victor revint de Gravesend, où étoit le yacht qui les devoit transporter, et rendit compte au Roi qu'il les avoit vu partir avec un

* This narrative of his flight was presented by James to the nuns of the convent of Chaillot near Paris, of which his mother, Queen Henrietta, was the foundress.

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vent favorable. Après leur départ le Roi résolut lui-même de les suivre, ne voyant qu'il y eut aucune sureté pour Sa Majesté d'y rester, et sachant aussi combien il avoit été fatal au feu Roi son père, et à plusieurs autres de ses prédécesseurs, d'avoir tombé entre les mains de leurs ennemis. C'est pourquoi, ayant auparavant pris les mesures nécessaires pour cela avec le Chevalier Hales, Sa Majesté partit secrètement de son palais de Whitehall la nuit de Lundi à Mardi à une heure après minuit, passa la Tamise dans un petit bateau, et étant arrivé de l'autre côté à Foxhall, y trouva les chevaux qui l'attendoient. De-là, n'ayant que deux personnes avec lui, Sa Majesté passa la rivière de Medway à Alisford Bridge ; et à deux ou trois milles au-delà trouva un relai de six chevaux avec le S^r Sheldon, un de ses écuyers, qu'il avoit envoyé devant. Le lendemain, étant Mardi, à dix heures du matin, le Roi arriva à Emley Ferry, où une petite barque devoit être prête pour l'attendre, mais n'y étoit pas encore venue : aussitôt qu'elle arriva le Roi alla sur son bord, et avec lui le Chevalier Hales et le S^r Sheldon. Le vent étoit bon, mais un peu fort, de sorte que le maître du vaisseau dit au Roi qu'il n'osoit mettre à la voile qu'il n'eut pris du lest dans son vaisseau. Le Roi y consentit, voyant que sans cela le vaisseau ne pouvoit porter de voile. On descendit donc à Sheppey, qui est au ouest de Sheerness, et là ils échouèrent à terre, étant presque basse marée, avec intention de partir avec la marée pour le premier port de France qu'ils pourroient atteindre ; mais environ les onze heures du soir, lorsque le vaisseau commençoit à flotter, trois bâteaux de pêcheurs venus de Feversham, dans lesquels il y avoient 50 à 60 hommes, entrèrent par force dans le vaisseau : leur capitaine, ayant son epée dans une main et le pistolet dans l'autre, sauta d'abord dans le petit cabinet où étoit le Roi, avec les deux gentilshommes qui l'accompagnoient, leur dit qu'ils étoient ses prisonniers, qu'ils étoient des personnes soupçonnées et dangéreuses, et qu'il les ameneroit devant le Maire de Feversham pour être examinés. Le Roi, voyant qu'aucun de ceux qui étoient entrés dans le cabinet ne le connoissoient pas, trouva à-propos de ne se pas découvrir, espérant de trouver quelque moyen d'échapper d'entre leurs mains ; et pendant que leur capitaine, qui s'appelloit Amis, les examinoit dans le cabinet, le Chevalier Hales prit son temps, lorsque les autres ne prenoient pas garde, de lui mettre dans la main cinquante guinées, et lui dit dans l'oreille qu'il auroit encore cent s'il trouvoit moyen de les tirer d'affaire avant qu'on les amena à Feversham. Le capitaine prit l'argent, et promit de le faire. Cependant il y avoit assez de marée pour mettre le vaisseau à flot, et ils l'amenèrent à l'embouchure de la rivière de Feversham, et y jettèrent ancre en attendant la haute marée pour faire entrer le vaisseau. Le Capitaine Amis les quitta là pour aller, comme il prétendoit, pour trouver le moyen de les laisser évader ; mais avant partir il descendit dans la cabane où étoit le Roi, et lui dit, et à ceux qui étoient avec Sa Majesté, que les gens qu'il y laissoit n'étoient que de la rude populace, et qu'ils les pourroient bien piller dans son absence, et pour

cette raison il les avisa de mettre entre ses mains l'argent et autres choses de prix qu'ils auroient, afin qu'il les leur gardât pour les rendre en cas qu'ils fussent déchargés; sur quoi le Roi et les autres deux gentilshommes lui donnèrent leur argent et leurs montres en présence des témoins, et prirent son reçu: mais le Roi garda trois gros poinçons de diamant qui étoient à la Reine, et la bague qu'il avoit porté à son couronnement, qui étoit un rubis de prix, et les laissa glisser dans ses caleçons, espérant de les conserver par ce moyen. L'avis que le capitaine leur donna se trouva véritable dans la suite; il alla cependant à Feversham, et revint dire au Chevalier Hales qu'il ne les pouvoit pas tirer d'affaire, et qu'il étoit nécessaire qu'ils allassent devant le Maire de Feversham pour être examinés. Il faisoit déjà jour, et l'on avoit reconnu le Chevalier Hales, quoiqu'ils ne connoissoient pas encore le Roi. Le capitaine retourna donc pour faire venir un carrosse pour les amener dans la ville, et pendant son absence les matelots sautèrent dans la cabane, et leur dirent qu'il les falloit fouiller, parcequ'ils avoient raison de croire qu'ils n'avoient pas tout donné: le Roi et les autres deux gentilshommes qui étoient avec lui leur dirent qu'ils avoient donné tout l'argent qu'ils avoient, et qu'ils n'avoient qu'à les fouiller s'ils le vouloient. Ils mirent donc les mains dans leurs poches et les fouillèrent partout, et ce d'autant plus rudement qu'ils ne trouvèrent rien sur eux: mais un matelot qui fouilloit le Roi manqua de bien près de trouver une bonne prise; car ayant senti autour de son genou l'un des poinçons de diamant, il cria en le serrant dans sa main qu'il avoit trouvé quelque chose; il avoit déjà trouvé dans la poche du Roi ses ciseaux, son étui, et quelques petites clefs; sur quoi Sa M. dit à ce matelot qu'il n'avoit qu'à remettre la main dans sa poche, et qu'il trouveroit que ce qu'il sentoit étoit quelqu'une des choses qu'il y avoit déjà vu, ce que le Roi dit avec tant d'indifférence que le matelot quitta prise, et ayant remis la main dans sa poche crut effectivement que ce qu'il avoit senti étoit quelque chose dans la poche; et ainsi ce diamant fut sauvé avec les autres. Ces gens-là étoient si ignorans, qu'ayant trouvé les boutons de diamant du Roi enveloppés dans un papier dans sa poche, ils les lui rendirent, disant que c'étoient des boutons de verre. En même temps que tout ceci passoit le carrosse que le capitaine avoit envoyé pour amener le Roi et les deux autres gentilshommes à la ville étoit arrivé au bord de l'eau: ils passèrent du vaisseau à terre dans un petit bâteau, et étant montés en carrosse furent gardés par un nommé Edwards et quelque nombre de la populace. On les fit entrer dans une auberge, et le Roi ne fut point reconnu jusques à ce qu'il monta dans une chambre, pour lors quoiqu'il fut assez déguisé, ayant une perruque noire, quelques uns des ceux qui s'y trouvèrent le reconnurent, ce que Sa M. ayant apperçu, il ne fit plus rien pour cacher qui il étoit, sur quoi la populace se dispersa, et le Roi étant informé que le Comte de Winchelsea, et la plus grande partie des gentilshommes de cette province étoient assemblés à Canterbrie, il leur envoya dire de le venir trouver. Cependant le Roi dépêcha

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secrètement le S^r Sheldon pour tâcher de trouver un autre vaisseau, et étant informé que le maître d'une barque qui appartenoit à la douane étoit honnête homme et fidèle à Sa M., il lui envoya dire de mettre sa barque en état, et de la tenir prête à quelque distance de la ville, et en même temps Sa M. fit préparer secrètement des chevaux pour l'y mener : mais le nommé Edwards, qui commandoit les matelots qui avoient gardés le Roi du vaisseau à la ville, et qui étoit un grand séditieux, en ayant eu quelque soupçon, amassa la populace, et entoura la maison de telle manière qu'il étoit impossible au Roi de pouvoir échaper. En même temps Sa M. eut avis que la populace, qui s'étoit amassée sur les chemins de Londres à Douvres, avoit arrêté plusieurs, tant Protestants que Catholiques, qui se retiroient : entre les Protestants étoient le S^r Genner, un des douze juges d'Angleterre, les S^rs Graham, Burton, tous deux gens de la loi ; et entre les Catholiques les deux Evêques Laiborne et Gifford, et plusieurs autres. Vers le soir le Comte de Winchelsea, ayant deux gentilshommes seulement avec lui, vint trouver le Roi ; et pour lors Sa M. alla à la maison du maire de la ville, qui étoit fidèle au Roi et honnête homme. Comme Sa M. sortoit de l'auberge la populace devint fort insolente, de sorte qu'il eut de la peine à passer outre, quoique le Comte de Winchelsea et deux autres allassent devant pour faire place. Ils en vouloient particulièrement au Chevalier Hales, et avoient peur qu'il ne leur échapa d'entre les mains : comme il s'étoit converti depuis peu à la religion Catholique, leur haine dans toute cette comté étoit excessive contre lui ; et ils démolissoient sa maison et abattoient son parc près de Cantorberie dans ce même temps-là. Mais le chevalier, connoissant bien leur malice contre lui, et craignant que cela eût pu mettre la personne du Roi en quelque danger s'il avoit tâché d'échaper, ne sortoit point, mais demeura dans la maison quand le Roi sortit ; et une partie de la populace y resta pour le garder. Une autre partie accompagna le Roi jusques à la maison du major de la ville, qui étoit honnête homme ; et ils observoient Sa M. de fort près faisant un corps de garde de son antichambre. Le lendemain le Chevalier Bazile Dixwell et le Chevalier Jacques Oxendon vinrent à Feversham avec deux compagnies de la milice qu'ils commandoient, sous prétexte de défendre le Roi contre les insultes de la populace ; mais en effet leur dessein étoit d'avoir Sa M. entre leurs mains, et de se faire un mérite auprès du Prince d'Orange de l'avoir empêché d'échaper : et incontinent après leur arrivée ils dépêchèrent au Prince un homme de la loi et de leurs amis, nommé Napleton, pour l'informer qu'ils avoient le Roi entre leurs mains, et pour savoir de lui ce qu'il souhaitoit qu'ils en fissent. Et ces deux gentilshommes étoient si insolents que de trouver à redire que le Roi écrivit à Londres pour avoir de l'argent, des habits, et autres choses dont Sa M. avoit besoin, sans leur montrer la lettre. Cependant les matelots et le reste de la populace gardoient étroitement le Roi par ordre de ces Messieurs ; et quand quelqu'un venoit pour parler à Sa M., ils leur ôtoient leurs epées à la porte, et ne les rendoient que lorsqu'ils sortoient de la

maison. Cette populace avoit choisie pour être leur capitaine un nommé Hunt, homme brutal et insolent ; le Roi tâcha de persuader à cet homme de le laisser échaper, mais il le refusa insolemment. Cependant plusieurs domestiques de Sa M., ayant appris qu'il étoit détenu à Feversham, le vinrent trouver : plusieurs des officiers fidèles de l'armée y vinrent aussi ; et par ceux-ci Milord Feversham avertit le Roi qu'il le venoit trouver avec un détachement des gardes du corps et des grenadiers à cheval, pour le tirer d'entre les mains de la populace, et lui servir de gardes jusques à Londres, où ses amis souhaitoient qu'il vint. Ceci fâcha tous ces séditieux qui étoient auprès du Roi. Le lendemain étant Samedi, . . Décembre, le Comte de Feversham vint de grand matin avertir Sa M. qu'il avoit laissé les gardes à Sittingbourne ; sur quoi le Roi quitta cette populace et les renvoya chez eux, ayant pris avec lui les deux compagnies de milice jusqu'au lieu où étoient ses gardes, et puis Sa M. renvoya aussi la milice, et alla ce soir-là à Rochester ; et y étant arrivé, il dépêcha tout aussitôt le Comte de Feversham avec une lettre de créance au Prince d'Orange : dans cette lettre le Roi lui dit qu'il seroit bien aise de le voir à Londres le Lundi suivant, pour conférer avec lui des mesures qui seroient estimées les plus propres pour rendre la paix à la nation, et pour mettre fin à toute la confusion et aux désordres qui augmentoient de jour à autre : que Sa M. avoit donné ordres que le Palais de S. Jacques fût préparé pour le loger : et qu'il avoit chargé Milord Feversham d'autres instructions qu'il lui communiqueroit de vive voix. Ce seigneur fut dépêché le même soir avec ordre de revenir le lendemain, et se trouver à Londres à l'heure que Sa M. y arriveroit, pour lui rendre compte de ce qu'il auroit fait. Comme le Roi approchoit de la ville de Londres le lendemain, plusieurs officiers fidèles qui le vinrent rencontrer l'assurèrent que ce bataillon des gardes qui étoit à Witehall avoit déclaré pour le Prince d'Orange, et qu'ils croyoient que les gardes du corps qui y étoient avoient fait de même, 'de sorte,' disoient-ils au Roi, 'que votre Majesté ne sera pas en sureté quand même vous serez à Witehall.' Ceci obligea le Roi de passer par la ville de Londres afin de se faire accompagner jusques à Witehall des mêmes gardes du corps et grenadiers à cheval qu'il avoit pour lors avec lui, ce que Sa M. n'auroit pu faire s'il fut allé par eau, comme il eût fait s'il n'avoit eu cet avis de la défection de ses gardes. On ne peut pas s'imaginer les acclamations de joie que tout le peuple fit quand le Roi passa par la ville : tout le monde sortit dans les rues et donna toutes les marques imaginables d'une joie extraordinaire de revoir Sa M. ; les mêmes cris de joie continuèrent jusques à ce qu'il arriva à Whitehal, et là il trouva une grande foule de gens de toutes conditions dans tout son appartement, jusque même dans la chambre du lit. Mais le Roi n'y fut pas long-tems sans voir changer la scène ; car incontinent après son arrivée Monsieur de Zulisten lui apporta une lettre du Prince d'Orange, dont le contenu étoit qu'il avoit reçu par le Comte de Feversham celle de Sa M., mais que ce qu'elle contenoit, et ce que

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led. Seigneur lui avoit proposé de sa part, étoient de cette conséquence qu'il n'en pouvoit donner la réponse dans ce temps-là, mais qu'il souhaitoit cependant que Sa M. demeurât à Rochester. Le Roi répondit à M. de Zulisten que s'il avoit reçu ce message avant de partir de Rochester, qu'il y seroit resté ; mais comme les choses étoient disposées, qu'il espéroit que le Prince viendroit le lendemain au palais de S. Jacques, afin que Sa M. pût conférer avec lui des choses que Milord Feversham lui avoit proposé. Monsieur de Zulisten répliqua, qu'il ne croyoit pas que le Prince y viendroit, que toutes les troupes du Roi ne fussent sorties de la ville. Après cela le Roi fit réponse à la lettre du Prince d'Orange et la lui donna ; mais M. de Zulisten n'étoit qu'à peine sorti de la chambre de Sa M., quand le Comte de Roy y entra et informa le Roi qu'aussitôt que Milord Feversham eut rendu sa lettre de créance au Prince d'Orange, il le fit prisonnier dans la ville de Windsor, où il étoit pour ors. Sur cet avis le Roi envoya rapeller M. de Zulisten, et lui dit qu'il toit bien surpris d'apprendre que le Prince avoit fait prisonnier le Comte de Feversham ; que c'étoit contre le droit des gens, et violer la foi publique, et ontre la pratique de toutes les nations, de faire prisonnier un homme qui étoit nvoyé comme ministre public ; et qu'il espéroit que le Prince auroit assez de onsidération pour lui, et pour le droit des gens, de ne pas détenir plus longems ce Seigneur. Mais le Prince d'Orange n'eut aucun égard à ce que le Roi lui fit représenter sur ce sujet : il ne daigna pas même de faire aucune réponse à la lettre de Sa M. ; et, après cela, ne garda aucune mesure avec lui, et quand il partit de Windsor il laissa Milord Feversham prisonnier dans le château. Le même soir le Roi fut averti que le Comte de Solmes venoit avec les gardes du Prince d'Orange pour prendre possession de toutes les portes de Witehall ; mais comme le Prince d'Orange n'en avoit donné aucun avis à Sa M., il crut qu'ils venoient plutôt pour faire la garde au Palais de S. Jacques, où l'on attendoit le Prince le lendemain : mais à onze heures du soir, lorsque le Roi alloit se coucher, Milord Craven vint dire à Sa M. que le Comte de Solmes étoit dans le Parc, avec trois bataillons du régiment des gardes du Prince, et quelque cavalerie, et qu'il avoit dit qu'il alloit les placer aux portes de Witehall. Sur quoi le Roi envoya quérir le Comte de Solmes, et lui dit qu'apparemment il s'etoit trompé, et que ses ordres étoient plutôt de mettre les gardes au Palais de S. Jacques : mais il répondit qu'il avoit ordre positif de les mettre à Witehall ; que ce lieu étoit le premier nommé dans ses ordres, qu'il fit voir en même temps au Roi. Après quoi Sa M. ayant un peu considéré l'affaire, il dit à Milord Craven qu'il pouvoit retirer les gardes et laisser prendre les portes au Comte de Solmes. Les Milords Halifax, Shrewsbury, et Delamer vinrent avec led. Comte dans le Parc, mais ne demandèrent pas de parler au Roi jusques à ce que les troupes du Prince d'Orange fussent maîtres de Witehall. Tout aussitôt que les gardes du Roi se fussent retirés, et que le Comte de Solmes eut pris possession avec les siens de toutes les portes de Witehall, qui étoit une heure après minuit, le Comte de Middleton vint

éveiller le Roi, qui étoit au lit et qui dormoit, pour dire à Sa M. que le Marquis d'Halifax, le Comte de Shrewsbury, et Milord Delamer l'avoient fait lever, en lui disant qu'ils avoient un message de la part du Prince d'Orange qu'il falloit communiquer à Sa M. immédiatement, et sans aucun délai, et quand il leur représenta qu'il valoit mieux attendre jusques au lendemain matin, que le Roi fut éveillé, ils repondirent qu'il falloit lui parler à l'heure même, et que ce qu'ils avoient à dire n'admittoit aucun délai. Sur quoi le Roi les fit appeler, et étant entrés ils présentèrent à Sa M. un papier signé du Prince d'Orange, qui contenoit en substance, que pour éviter les désordres que la présence de Sa M. pourroit causer dans la ville de Londres, s'il y restoit, qu'il attendoit, ou qu'il vouloit que Sa M. se retira à Ham, cette même matinée, parcequ'il devoit venir lui-même en ville environ le midi. Ceci fut couché en peu de paroles, mais en termes fort précis et positifs. Le Marquis d'Halifax ajouta que Sa M. pouvoit prendre avec lui tels domestiques qu'il voudroit, mais qu'il falloit qu'il fût parti avant dix heures, et que le Prince d'Orange prendroit soin des gardes qu'il falloit pour le mettre à couvert de tout danger. Le Roi, voyant qu'il n'y avoit point de remède, et qu'il étoit absolument entre leurs mains, leur dit qu'il étoit content de sortir de la ville, mais que Ham étoit fort malsain pour y demeurer l'hiver, et que de plus il n'étoit pas meublé : à quoi Halifax répliqua que les officiers du Roi pouvoient le meubler en très peu de temps. Après quelque discours sur ce sujet, le Roi leur dit que, puisqu'il falloit qu'il sortît de la ville, il aimeroit mieux s'éloigner un peu davantage en allant à Rochester, où il y avoit encore quelque peu d'infanterie des troupes de Sa M., dont il pourroit se servir pour gardes, et qui étoit le lieu que le Prince lui avoit marqué pour y demeurer dans la lettre qu'il lui avoit écrite par Zulisten : à quoi ils répondirent qu'ils représenteroient l'affaire au Prince d'Orange, dont ils feroient savoir les intentions à Sa Majesté à neuf heures du matin, mais qu'il falloit qu'il se mît en état pour partir à ce temps-là. Ils revinrent précisement à l'heure nommée avec la réponse, qui étoit que le Prince consentoit que Sa M. iroit à Rochester, mais qu'il enverroit de ses troupes avec lui pour lui servir de gardes, et ils chargèrent en même temps le Comte de Solmes d'en envoyer. Le Roi avoit déjà donné ordre de tenir prêts ses barges, ses carrosses et ses chevaux, et aussitôt qu'on convint que Rochester seroit le lieu où Sa M. se retiroit, il donna ordre à ses carrosses et ses chevaux de selle, avec les gardes du corps du Prince d'Orange qui devoient accompagner Sa M., de passer par le Pont de Londres pour l'attendre à Gravesend : mais le Marquis d'Halifax s'y opposa avec chaleur, disant que s'ils passoient par la ville de Londres, que cela pourroit causer quelque désordre, et mouvoir de la compassion dans le peuple, et qu'il falloit qu'ils passassent la rivière par le Bac de Lambeth. Le Roi répondit que le vent étoit si grand qu'ils ne pouvoient qu'avec bien de la peine passer dans cet endroit, et que de plus il leur falloit tant de temps pour passer de cette manière par le Bac qu'ils n'arriveroient à Gravesend que long-tems après que

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Sa M. y descenderoit par eau. Ce seigneur ne se contenta pas des raisons que le Roi lui donna, mais insista sur ce qu'il avoit dit avec beaucoup de hauteur, pour ne rien dire de plus. Le Comte de Shrewsbury fut beaucoup plus raisonnable sur ce point, car il avoua que ce que le Roi avoit dit étoit véritable, et consentit à ce que Sa M. demandoit. Ainsi le Roi fit partir ses carrosses et chevaux de selle par la ville, et partit lui-même par eau, ayant pour sa garde un capitaine et cent hommes des gardes du Prince d'Orange, qui étoient dans des petits bâteaux devant et derrière la barge où étoit Sa M.; mais ces gardes furent si long-tems à s'embarquer, qu'une bonne partie de la marée étant passée, le Roi n'arriva à Gravesend qu'à sept heures du soir, et ainsi fut obligé d'y coucher. Le lendemain matin il reçut un passeport en blanc qu'il avoit fait demander au Prince d'Orange pour envoyer un courrier à la Reine, qu'il croyoit déjà débarquée en France avec le Prince de Galles. La nuit que le Roi coucha à Gravesend les gardes du Prince d'Orange l'observèrent de fort près, mais quand Sa M. vint à Rochester, ils ne le gardèrent pas si étroitement, ce qui confirma le Roi dans l'opinion qu'il avoit, que le Prince d'Orange seroit fort aise que Sa Majesté échappât de leurs mains, et que la même personne qui lui avoit porté le passeport pour un courrier, avoit aussi porté des ordres au capitaine des gardes de ne point observer Sa M. de près; car ils mirent des sentinelles seulement aux portes qui regardoient la rue, et n'en mirent point à une porte de derrière qui regardoit la rivière. Et quoique Sa Majesté ne doutoit aucunement que le Prince d'Orange ne souhaita dans ce temps-là qu'il se retira d'entre ses mains, le Roi persista néanmoins dans la résolution qu'il avoit prise de tâcher de passer en France, étant bien persuadé que s'il manquoit cette occasion, le Prince d'Orange se serviroit de quelque autre moyen pour s'en défaire. Le Roi arriva à Rochester le 19. au matin, et y resta jusqu'au 22. au soir; plusieurs des officiers de sa maison et de l'armée l'avoient accompagné; comme Milord Avan, Milord Dunbarton, Milord Ailesbury, Milord Lichfield, gentilshommes de sa chambre, comme aussi trois de la chambre du lit, savoir, Fautray, Griffin, et Bidolph; quelques officiers généraux de l'armée, comme les S^rs^ Fenwick et Sackville, maréchaux de camp, le Chevalier Jean Talbot, brigadier, et le S^r^ Sutherland, maréchal de logis général de la cavalerie; lesquels rendirent leurs commissions au Roi, ce qu'avoient fait plusieurs autres avant que Sa M. partit de Londres, comme Milord Newburgh, Milord Griffin, Milord Lichfield, les S^rs^ Griffin, Fautry, et autres. Le Roi avoit cependant des avis tous les jours qui l'informoient de tout ce qui se passoit à Londres, où le Prince d'Orange avoit convoqué au Palais de S. Jacques les pairs, tant ecclésiastiques que laïques, dont la plupart de ceux qui étoient en ville l'allèrent trouver: l'Archevêque de Cantorberie n'y vouloit point aller néanmoins, disant qu'il ne verroit pas le Prince d'Orange pendant que le Roi étoit détenu sous une garde, et n'étoit point en liberté. Le lendemain les susdits pairs s'assemblèrent dans la Chambre des Seigneurs à Westminster, et par ce qui s'y passa le Roi trouva plus de raison que jamais de se retirer. Il est vrai que plusieurs,

tant des Evêques que d'autres, qui ne vouloient que du bien à Sa M., tâchèrent de le persuader ou de ne se point retirer de tout, ou au moins de ne point sortir d'Angleterre, mais de se cacher pour voir ce qui arriveroit; et le S^r Brady, un de ses médecins, le vint trouver de la part de quelques uns de ses amis, avec des raisons par écrit pour lui persuader la même chose. Milord Middleton, qui y étoit présent, étoit du même sentiment; mais le Roi s'étant entretenu avec lui sur cette matière, il avoua enfin qu'il étoit convaincu par les raisons que le Roi lui apporta, qu'il n'y avoit aucune sureté pour Sa Majesté de rester plus long-tems en Angleterre, et qu'aucun homme de bon sens ne le lui pouvoit conseiller. Après cela le Roi résolut absolument de se retirer au plutôt, mais il ne put exécuter son dessein que le *22.** au soir: Sa M. avoit raison d'appréhender l'assemblée des Seigneurs à Westminster, et déjà on le vint dire que le Prince d'Orange avoit envoyé un ordre au Lord Maire et à la cour d'*Aldermen* de la ville de Londres pour ne point administrer le serment de fidélité et le *test* au commun conseil de la ville, qui devoit être élu le jour de S. Thomas, et pour les autoriser d'agir en qualité de conseillers sans l'avoir prêté.

Cependant le Capitaine Macdonel vint avertir le Roi que le Capitaine Trevanion étoit venu avec sa chaloupe, et que toutes choses étoient prêtes; le Roi là-dessus résolut de partir cette nuit avant minuit, mais Sa M. trouva à-propos avant partir, de mettre par écrit une partie des raisons qui l'obligèrent de prendre cette résolution, et de laisser des ordres pour faire public cet écrit après son départ: il étoit conçu en ces termes:—

'Personne ne doit être surpris que j'aie songé à me retirer pour la seconde fois. J'avois raison d'attendre que le Prince d'Orange en useroit un peu mieux qu'il n'a fait après la lettre que je lui avois écrite par Milord Feversham, et les instructions dont j'avois chargé ce seigneur. Mais, au lieu d'une réponse telle que j'avois raison d'espérer, quel traitement ne devois-je attendre de lui après la manière dont il en a usée à mon égard? Il ne s'est pas contenté de faire arrêter ce comte, contre le droit des gens; il a envoyé de ses propres gardes à onze heures du soir pour se saisir de toutes les avenues de Whitehall, sans m'en avoir donné aucun avis. Il m'a envoyé par trois seigneurs (Halifax, Shrewsbury, et Delamer), à une heure après minuit, lorsque j'étois couché, une espèce d'ordre de sortir de mon propre palais le même matin avant midi. Après tout cela, comment pouvois-je croire que j'étois en sureté pendant que j'étois au pouvoir d'un homme qui non seulement m'avoit traité de la sorte, et s'étoit emparé de mes royaumes sans que je lui en avois donné aucune occasion, mais qui de plus, dans sa première déclaration, m'avoit chargé de tout ce que la malice peut inventer de plus noir dans l'article qui parle de la naissance de mon fils? Je m'en rapporte non seulement à tous ceux qui me connoissent, mais à lui-même, si, en leur conscience, ou eux ou lui me peuvent soupçonner d'une supposition si détestable, ou d'avoir si peu de sens commun que

* 1er Janvier ancien style François.

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de me laisser surprendre dans une affaire de cette nature. Que pouvois-je donc attendre d'un homme qui a tâché par toutes sortes d'artifice de me faire passer dans l'esprit de mon peuple et de tout le monde pour le plus méchant de tous les hommes?—et on ne voit que trop par la défection générale de mes armées et de toute la nation quels effets cela a déjà produit. Comme je ne suis pas sujet à personne, il m'est naturel, comme à tous les hommes, de tâcher de me tenir dans un état de liberté; et quoique j'aie plusieurs fois librement exposé ma vie pour le bien et l'honneur de mon pays, et que je sois encore prêt de faire la même chose (n'étant pas encore si âgé que je n'espère délivrer l'Angleterre de l'esclavage sous laquelle elle est prête à tomber), je ne crois pas néanmoins qu'il soit à-propos de m'exposer d'être mis en prison, en sorte que je n'aie pas la liberté d'exécuter ce dessein. C'est pourquoi je me retire, mais de telle manière que je serai fort proche, pour être prêt à revenir lorsque la nation ouvrira ses yeux pour reconnoître combien elle a été trompée sous les spécieux prétextes de religion et de liberté. J'espère que Dieu de son infinie miséricorde touchera le cœur de ces peuples, les fera voir en quel pitoyable état ils se trouvent, et les disposera si bien qu'on puisse convoquer un parlement légitime, que là, entre autres choses nécessaires, ils consentiront à une liberté de conscience pour tous les Protestants Nonconformistes, et qu'on y aura assez d'égard à ceux de ma religion que de leur accorder de pouvoir vivre sans être inquiétes et paisiblement, comme de bons Anglois et de bons Chrétiens doivent vivre; sans être obligés de se transplanter hors de leur patrie, ce qui les affligeroit d'autant qu'ils l'aiment véritablement. Et j'en appelle à tous les gens de bon sens, et qui ont fait quelque attention sur nos affaires, s'il y a rien qui puisse tant contribuer à rendre l'Angleterre florissante que la liberté de conscience: c'est pourquoi quelques uns de nos voisins appréhendent si fort qu'on l'accorde.

'Je pourrois ajouter plusieurs choses pour appuyer tout ce que j'ai dit, mais ce n'est pas ici le temps.'

Le Roi fit voir cet écrit à Milord Midleton après le soupé, et le chargea de le faire imprimer quand il seroit à Londres; mais Sa M. ne le laissa pas avec lui, mais avec Milord Dunbarton, qui étoit gentilhomme de sa chambre de garde, pour être par lui rendu à Milord Midleton le lendemain, le Roi ne trouvant pas à-propos que l'on sût qu'il avoit communiqué à ce seigneur son intention de se retirer: le Roi le dit à Milord Litchfield qu'il connoissoit pour homme d'honneur, et qui avoit demeuré ferme dans sa fidélité dans toutes les occasions. Sa M. fut obligé de communiquer aussi son dessein à Milord Alisbury, pour le tenir plus secret; car, comme il étoit un des gentilshommes de la chambre et qu'il y vouloit coucher cette même nuit, ses valets auroient été dans la chambre par laquelle Sa M. devoit passer, si elle n'avoit prévenu cela en parlant à ce seigneur. Le Roi donc, ayant pris les mesures nécessaires, alla se coucher à son heure ordinaire, et quand la compagnie étoit retirée il se releva tout aussitôt, et s'étant habillé, sortit par un escalier de derrière, et passa par le jardin, où il trouva le Capitaine Macdonel, qui l'emmena à l'endroit où le

Capitaine Trevanion l'attendoit avec sa chaloupe bien équipée, dans laquelle le Roi entra, et partit environ minuit, n'ayant avec lui que le Duc de Berwick, le S^r Bidolph, et les deux capitaines. Ils ramèrent pour aller à bord d'un bâteau de pêcheur, qui avoit ordre de les attendre un peu dehors le fort de Sheernesse ; mais le vent contraire étoit si fort qu'il étoit six heures du matin avant qu'ils pussent arriver au Swale, et ayant vent et marée contre eux, il étoit impossible d'arriver à l'endroit où le bâteau avoit ordre de les attendre, de sorte qu'ils furent obligés d'aller nécessairement à bord de quelqu'un des vaisseaux qui étoient dans le Swale, pour avoir quelque rafraichissement pour leurs gens, et y rester jusqu'à ce que la marée tourneroit. Le Capitaine Trevanion proposa au Roi d'aller à bord d'un vaisseau Hambourgeois qui y étoit, mais le Roi, ne goutant pas cette proposition, lui dit qu'il vaudroit peut-être mieux qu'il montât son vaisseau la Henrietta, qui étoit aussi là : le capitaine répondit que, quoiqu'il pouvoit répondre pour la fidélité de ses officiers, il ne le pouvoit pas pour celle de ses matelots ; sur quoi le Roi résolut d'aller à bord de l'Aigle, un brûlot dont le S^r Wilford étoit capitaine, que Sa M. connoissoit pour être honnête homme, et qu'il étoit maître de ses matelots, les ayant commandé plusieurs années. Ils montèrent donc sur ce vaisseau, et y demeurèrent jusques à ce qu'il fut grand jour, qu'ils apperçurent leur vaisseau à l'ancre, et non pas loin d'eux, ayant été obligé de quitter l'endroit où on l'avoit ordonné de rester à cause du mauvais temps qu'il avoit fait. Le Roi monta enfin ce petit vaisseau, quoique le vent fut fort grand, et emmena avec lui la chaloupe et l'équipage ; ils attachèrent la chaloupe par une corde à leur vaisseau. Ce fut le Sieur Gardiner, lieutenant, qui en avoit eu soin de ce bâteau, et qui l'avoit pourvu d'armes à feu et de grénades, de sorte qu'étant en tout vingt hommes sur bord, ils étoient assez forts pour repousser aucun des petits bâtimens qui rôdoient de ce côte-là, cherchant pour prendre et piller les Catholiques ou autres fidèles serviteurs du Roi qui tâchoient à se sauver. Quand ils furent descendus aussi bas que Buoy du Nore, il souffla si fort qu'ils ne purent descendre plus bas, le vent étant Est-nord-est, et fort grand, de sorte qu'ils furent obligés de mouiller l'ancre sur la côte d'Essex : le vent continua fort violent tout ce jour-là, qui étoit Dimanche, mais il ne le fut pas tant la nuit, de sorte qu'ils descendirent jusqu'au Buoy de Redsand, où ils mouillèrent. Le lendemain, étant Lundi, il fit assez beau temps, et ils mirent à la voile de grand matin, se proposant de passer par le derrière le Sable des Godwins, et non pas de passer par les Dunes ; mais la marée étoit si forte contre eux qu'ils ne purent pas prendre cette route, et ainsi furent obligés de passer par les Dunes, ce qu'ils crurent plus sûr de risquer plutôt d'y mouiller l'ancre. Il étoit fort remarquable que pendant tout ce jour ils ne virent pas un seul vaisseau sous voile, à même qu'ils ne virent que sept bâtimens, tant grands que petits, à l'ancre aux Dunes, où il y a ordinairement grand nombre. Au soir, comme il commençoit à faire noir, ils doublèrent la pointe de Douvres ; il tomba de la neige vers les six heures, le vent étant à l'est. Environ les onze heures il fit

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clair de lune, et ils découvrirent la haute terre de France environ à deux lieues d'eux ; et s'étant un peu approchés, ils trouvèrent que c'étoit Grisné, qui est entre Calais et Boulogne : ils firent donc voile pour entrer dans la Baye de Boulogne, ne pouvant arriver à Calais, et ayant mouillé devant Ambleteuse, ils trouvèrent un vaisseau de guerre Français dans la rade. Ils allèrent à terre environ les trois heures du matin, Mardi, jour de Noël, vieux style." *

Le Roi d'Angleterre nous a fait l'honneur de nous donner de sa main cet écrit, qui contient son départ d'Angleterre, qu'il a lui-même fait à la très humble prière que nous primes la liberté de lui en faire à son retour d'Irlande au 15. Août, 1690. Sa Majesté, en nous remettant en présence de la Reine au mois de Juillet de l'année suivante, nous fit l'honneur de nous dire qu'il étoit tout à fait chagrin d'avoir été si long-tems à nous le donner, mais que c'étoit le traducteur qui étoit cause de ce retardement et les affaires qu'il avoit eu.

Quelques semaines après nous avoir confié cet écrit, Sa Majesté nous † fit l'honneur de nous dire qu'elle nous avoit voulu donner cette marque de son affection, ne désirant pas que personne le vît, et que nous jugerions bien qu'il y avoit plusieurs choses qui devoient être tenues secrétes et sous le silence ; qu'en les marquant il avoit voulu observer la vérité et ne nous rien céler ; et que ces choses s'étoient faites plutôt par la surprise où il s'étoit trouvé d'un événement si peu attendu ; et que si c'étoit à recommencer il ne les feroit pas ; et que s'il avoit eu même le temps à se reconnoître dans l'étrange accablement et surprise où il s'étoit trouvé, il auroit pris d'autres mesures ; mais que celles de venir en France étoient très justes pour la sureté de sa personne, par rapport à ce qu'il doit à sa religion, à la Reine, au Prince de Galles, et à ses peuples ; c'est ce que Sa Majesté m'a fait l'honneur de me dire.

* En notre François c'est 4 Janvier, 1689.

† Les Dames Religieuses de la Visitation de Chaillot.

N°. V.

Récit de la mort du feu Roi d'Angleterre Charles II., écrit très-fidèlement après une conversation que le Roi son frère, Jacques Second, nous fit l'honneur d'avoir avec le communauté, en présence de la Reine son épouse, le 10. *Septembre* 1692. *L'imprimé des sentiments du feu Roy sur notre sainte religion, que le Roy à ce présent a bien voulu copier de sa propre main pour l'attester comme très-véritable, dònnera encore plus de croyance au détail que nous ferons ici de la mort de ce grand Prince.*

Le 10. Septembre 1692, jour de l'anniversaire de la feue Reine notre auguste fondatrice, le Roi d'Angleterre arriva ici sur les 11 heures du matin. Il alla d'abord à l'appartement de la Reine son épouse, qui étoit venue coucher le jour de la Nativité de Notre Dame. Leurs Majestés vinrent ensemble à la grande tribune, où la communauté étoit assemblée; nous y dimes l'aude des morts en psalmodie haute, aux quelles leurs Majestés assistèrent (la veille la Reine avoit été aux trois nocturnes des matines). Monseigneur l'Evêque de Die célébra la messe des morts, un des aumosniers de la Reine l'a dit après, leurs Majestés les entendirent toutes deux, et furent diner ensuite. Le Roy ordonna après être sorti de table, qu'on fît entrer Monseigneur de Die, et qu'on fît appeller la communauté. Ce prélat, en entrant dans la grande chambre où étoient leurs Majestés, fit trois profondes révérences jusqu'à la terre; le Roi et la Reine étoient venus au-devant de luy jusqu'à la moitié de la chambre: la Reine lui dit qu'elle avoit entendue sa messe le jour de l'Assomption, qu'elle ne l'avoit point fait entrer, parcequ'elle ne fesoit point entrer d'homme; qu'elle avoit été bien fâchée ne l'avoir point vu au parloir, mais qu'elle n'en avoit point eu le tems; qu'elle avoit chargé notre mère de lui dire. Le Roi demande à la Reine si c'étoit à la dernière fête de l'Assomption; sa Majesté répondit que ouy.

Le Roi s'informa en quel endroit du Dauphiné étoit l'évêché de Die. M. l'Evêque répondit que c'étoit entre Ambrun et Gap, c'est où sont les ennemis. Justement, Sire, reprit le prélat. Je suis surpris, ajouta le Roi, qu'un prince Catholique comme Monsieur de Savoye, et des généraux de l'Empéreur et du Roi d'Espagne, aient mis un gouverneur Huguenot dans Ambrun, et trois régiments Protestants: mais, que prétendent-ils faire? Car

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ils ne peuvent pas garder ces villes ; si le Roi de France, dit la Reine, ne les a pu defendre, les ennemis le pourront encore moins. Ils ne prétendent, dit le Roi, que ravager le pays ; et ne nous rien laisser du tout, ajouta l'Evesque ; et se vanter, reprit la Reine, d'être entré en France. Monsieur l'Evêque d'Ambrun a fait des merveilles pendant le siège de sa ville. Il a été autrefois à la guerre, et étoit colonel. Il s'appelle Jenlis, dit le Roi, et est neveu du vieux Jenlis : ce qui est à craindre, dit M. de Die, c'est qu'il y a beaucoup d'Huguenots dans le Dauphiné, et que la ville de Die l'est toute entière. Comment ? dit la Reine, n'y a-t-il point dans tous ces faux convertis quelqu'un qui le soit véritablement ? Peut-être quarante, répliqua l'Evêque, qui le sont parfaitement : mais qu'est-ce que ce petit nombre dans tout une ville ? Elle avoit été autrefois très Catholique, et nous avons, dit-il, quatorze Evêques Catholiques, et tout d'un coup, en un seul jour, toute la ville se fit Huguenots. Il n'y eut que les femmes qui demeurèrent Catholiques près de dix ans ; mais enfin elles suivirent l'exemple de leurs maris, quoique mauvais. Die est un des plus anciens évêchés de France. Les murs de la ville ont été bâtis par Jules-César ; et quand il en parloit, il l'a nommoit la Ville à Cent Tours, parcequ'il y en a autant autour des murs de la ville. Je m'attends que les ennemis abateront tout. C'est un grand dommage, dit la Reine, de démolir une si grande antiquité. Quand je prêche à nos Huguenots, dit le prélat, je les prie de considérer la suite des évêques qui ont gouverné notre Eglise depuis 1500 ans, qui ont toujours enseigné une même doctrine, et qu'il n'y a que depuis environ un siècle qu'eux-même, sans aucune raison, en ont embrassé une si différente, qui n'est autorisée que par le libertinage. Si ces faux Catholiques se joignent aux troupes de Monsieur de Savoye toute la province sera perdue. Ils ont reçu des avis des Huguenots de Genève, qui leur ont mandé de se bien garder de prendre parti dans cette guerre, parceque ce n'en étoit pas une de religion, mais d'état et de prince à prince, et qu'ils demeurassent toujours fidèles au Roi. Je ne m'attendois pas à un aussi bon conseil, dit la Reine, car Genève est la retraite de tous les renégats. Sa Majesté demanda ensuite si nous avions une maison de notre institut dans Die. Non pas dans la ville épiscopalle, répondit le prélat, mais dans Crest, qui est une ville de mon diocèse. Elles ont bien peur, dit la Reine. Une peur épouvantable, reprit Monsieur de Die : elles vouloient sortir, mais le gouverneur les en a empêché, et j'ai écrit par le dernier ordinaire qu'on les laissât sortir. Sa Majesté parut surpris. Des religieuses sorties, dit-elle ; et où iront-elles ? Dans une des leurs maisons à Lyon, dit le prélat, qui assurément les recevroit. La Reine demanda s'il y en avoit à Ambrun. Notre mère répondit que ouy, qu'ont elles fait quand la ville s'est rendue et pendant le siège. Notre mère dit, que le Marquis de Larray avoit mandé à sa belle-sœur religieuse céans, que dans la capitulation il avoit mis que leur monastère seroit conservé, et qu'il les avoit recommandé lui-même à M. de Savoye. Il doit bien connoître l'ordre, répondit la Reine ; il en a plu-

sieurs maisons dans ses états, et c'est même où il a commencé. Si la saison étoit moins avancé, dit le Roi, il seroit à craindre que les ennemis n'allassent plus avant dans le Dauphiné, mais présentement il faut qu'ils s'en retournent devant qu'il soit un mois, et que les neiges commencent à tomber: cela contribuera à persuader les habitans de suivre le conseil des Génevois; car ce seroit un mauvais parti pour eux, de s'être joints aux ennemis, et de les voir sitôt se retirer. Je n'aurois jamais cru, ajouta Monsieur de Die, que les ennemis eussent pu entrer dans le Dauphiné; ce sont des montagnes escarpées, qu'on ne peut passer que par des défilés. Cinquante hommes peuvent empêcher une armée entière, qui ne peut passer qu'un à un. C'est pourquoi on est si effrayé d'y voir des troupes étrangères: en Flandre on est accoutumé à la guerre, et à déloger. Aujourd'huy on est dans une ville, demain on va dans une autre, et puis on retourne d'où on étoit sorti; mais en Dauphiné ce n'est pas de même; on n'y a jamais vu de guerre. Après que Mons^r de Die eut été un bon quart-d'heure avec leurs Majestés, qui se tenoient toujours debout, la Reine fit une révérence au prélat comme pour le congédier, le Roi lui en fit une aussi; et s'étant l'un et l'autre recommandés à ses prières, il assura leurs Majestés des vœux continuels qu'il feroit pour la prospérité et la conservation de leurs sacrées personnes, et se retira de la même manière qu'il étoit entré. Une partie de la communauté étoit dans la chambre où étoient le Roi et la Reine; le reste, qui étoit dans la grande antichambre, entra après que Monsieur de Die fut parti. On se rangea autour de la grande chambre; le Roi et la Reine étoient assis sur un canapé; on témoigna au Roi la joie que nous avions de l'honneur que la Reine nous fesoit de venir icy, que nous avions pris part à celle de nos Sœurs de la Rue S. Antoine, qui avoient eu l'honneur de voir sa Majesté la veille. On compta combien la Reine avoit vu des couvents dans Paris, depuis qu'elle étoit en France, si elle n'avoit pas été dans presque tous. Elle dit qu'elle ne croyoit pas en avoir vu le quart. On les compta, et on en trouva vingt où elle avoit été. Une de nos sœurs dit que ce jour n'étoit pas seulement destiné à prier pour les morts, que nous avions offert nos vœux et nos prières pour leurs Majestés: ils en témoignèrent beaucoup de satisfaction, notre mère ajouta, que nous n'avions pas moins de soins de prier pour feu Madame et pour le feu Roi d'Angleterre, depuis que nous avions été assurées que Dieu lui avoit fait le grace de mourir Catholique. Le Roi dit qu'il en pouvoit répondre, ne l'ayant pas quitté depuis qu'il étoit tombé dans un accident d'apoplexie. Sur cela la Reine fit signe à notre mère de s'asseoir par terre, et d'y faire mettre la communauté.

Après Sa Majesté commença le récit de la mort du feu Roi d'Angleterre, en ces propres termes: —

Ce fut un Lundi, 13. Février 1685, que l'apoplexie le prit. J'allai dans sa chambre aussitôt que j'eus apprit qu'il étoit dans cet état; j'y trouvai la Reine Douairière, le Duc d'Yorck, qui est de présent le Roy, le chancelier, le premier gentilhomme de la chambre: c'étoit un spectacle affreux, qui me

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surprit d'abord. Le Roi étoit dans une chaise, un fer rouge sur sa teste, les dents qu'on lui tenoit ouvertes à force. Quand j'y eus demeuré quelque tems, la Reine Douairière, qui n'avoit encore rien dit, s'approcha de moi, et me dit, Ma sœur, je vous prie de dire au Duc, qu'il sait, comme moi, les sentiments du Roi sur la religion Catholique, de faire ce qu'il pourra pour profiter de quelques bons moments. Après cela la Reine Douairière retira. La Reine, qui étoit en ce tems la Duchesse d'Yorck, demeura dans la chambre pour parler au Duc: elle dit qu'il se passa plus d'une heure sans que ce Prince jetta seulement les yeux sur elle, tant il étoit occupé de l'état du Roi son frère: enfin par hazard l'ayant regardé, elle lui fit signe qu'elle avoit quelque chose à lui dire. Il s'approcha, et cette Princesse lui dit ce que la Reine sa belle-sœur l'avoit chargé. Il lui dit, Je le sais, je ne pense qu'à cela.

Le premier médecin jugea que si on ne saignoit promptement le Roy, il mourroit dans peu d'heures, et qu'il pourroit revenir si la saignée étoit faite à l'heure même. (C'est une loi en Angleterre qu'on n'oseroit saigner les Roys sans l'avis des principaux ministres de son conseil.) Le médecin dit qu'il n'ignoroit pas qu'en saignant le Roi, il se mettoit en danger qu'on lui fit perdre la vie, mais qu'il la donneroit volontiers pour sauver celle du Roi: en effet il le saigna lui-même, et n'ayant point de lancette il se servit d'un ganif. Ce remède fut fait si à-propos que le Roi revint de son apoplexie, et on crut même qu'il étoit hors de danger: on le coucha dans son lit; l'Archevêque de Cantorbery avec ceux de la communion vinrent voir Sa Majesté, et lui demanda s'il ne vouloit pas qu'on lui apportât la communion: le Roi dit qu'il n'étoit pas temps, et qu'il le feroit avertir. Cet Archevêque Protestant fit avec ses assistants des prières pour un malade (qui sont à ce que le Roi nous fit l'honneur de nous dire à-peu-près comme celles des Catholiques), étant presque toutes tirées du Psautier, mais choisies en différents psaumes.

Après que les Protestants se furent retirés sans avoir donné leur communion au Roi, qui l'avoit refusé, (le Roi nous dit) qu'il s'étoit approché du lit du Roi son frère, et lui avoit dit, Monsieur, vous venez de refuser la communion à la Protestante: voulez-vous recevoir celle des Catholiques? Ah! dit ce Prince mourant, je donnerois toutes les choses du monde pour avoir un prestre. Je vous en ferai venir un, répondit le Duc. Mais je crains, répondit le Roi, que vous ne vous attiriez bien des affaires. N'importe, dit le Prince, je veux bien tout hazarder en cette occasion.

La difficulté étoit grande d'avoir un prêtre. Ils avoient été tous chassés d'Angleterre; ceux que la Reine Douairière avoit dans sa maison étoient Portugais, et ceux de la Duchesse d'Yorck Italiens. Le Duc en envoya quérir un qu'on avoit laissé dans le royaume en considération de ce qu'il avoit autrefois sauvé le Roy d'Angleterre, pendant les guerres de Cromwel: c'étoit un homme simple, et il eut été à souhaiter dans une occasion si importante qu'on eut trouvé un sujet plus habile, pour aider ce grand Prince à faire une bonne mort.

Le Roi continuant à nous en faire le récit, dit que le feu Roi son frère vouloit qu'il demeurât seul dans la chambre avec le prêtre, qu'il avoit fait entrer par une porte dérobée qui étoit au côté droit du lit, mais qu'il n'avoit jamais voulu y consentir. Vous n'avez jamais mieux fait, dit la Reine ; puis qu'avec toutes les précautions que vous prites, et les témoins qui étoient dans la chambre, on n'a pas laissé de dire tant bien de sotises.

Le Roi continuant son discours, dit, Il resta donc dans la chambre avec moi le chancelier, le premier gentilhomme de la chambre, et le grand chambellan : le Roi se confessa, fit son abjuration, et reçut la sainte communion. J'ai un grand regret, nous dit la Reine, que ce bon prêtre ne dit pas au feu Roi de faire cette action publiquement, et déclarer qu'il mouroit Catholique : cela auroit fait un grand bien pour la religion. Mademoiselle Delamotte dit à la Reine que ce Prince n'auroit peut-être pas refusé de faire cette déclaration, puisqu'il n'hazardoit rien, allant mourir. Quand il n'auroit pas été assuré de mourir, répondit la Reine, je crois qu'il n'auroit pas refusé de la faire, si on lui avoit proposé, et ce bon prêtre apparemment craignoit ; car après qu'il eut administré les sacrements au Roi, il ne revint plus. Une de nos sœurs dit, le prêtre craignoit, et le Duc d'Yorck, qui pouvoit perdre trois royaumes, ne craignoit point.

Une des choses du monde dont j'ai eu plus de peine, reprit la Reine, est, qu'il n'y a point eu de prêtre auprès du feu Roi depuis qu'il eut communié jusqu'à sa mort. Celui qui avoit reçu son abjuration s'étoit donc allé cacher, dit Mademoiselle Delamotte. Non pas se cacher, répondit la Reine, mais on ne le vit plus. Il n'y eut que vous, Monsieur, addressant la parole au Roi son mari, qui lui parloit de Dieu ; il fesoit lui-même les actes. On demanda à Sa Majesté si elle n'étoit pas présente quand le Roi mourut. Non, dit-elle, il y avoit même deux jours que je ne l'avois vu. La Reine Douairière alloit seulement savoir de ses nouvelles tous les jours, mais elle ne lui parloit point. J'ai entendu dire depuis que le grand nombre de dames qu'elle fesoit entrer avec elle dans la chambre du Roi l'avoit incommodé ; elle envoya Milord Duras lui demander pardon de sa part, et le Roi répondit, que c'étoit à lui à le faire. Sa maladie dura depuis le Lundi matin jusqu'au Jeudi 16. Février 1685, qu'il mourut. Il me semble, dit la Reine, addressant la parole au Roi son mari, que vous m'avez dit que les Protestants vinrent encore parler au feu Roi depuis qu'il eut fait son abjuration. Non, dit le Roi, je ne vous l'ai point dit. Rapellez votre mémoire, répond la Reine ; je pense que vous me l'avez dit. Je n'ay pas pu vous le dire, répondit le Roi, parceque cela n'est pas arrivé.

On demanda à la Reine si l'enterrem^t^ du feu Roi avoit été fait à la Catholique : elle dit que non ; que sa conversion n'ayant pas été publique, on n'avoit pas osé rien changer à cette occasion, crainte d'exciter quelques troubles. La Reine ajouta qu'on ne pourroit s'imaginer la présence d'esprit que le Roi avoit eu depuis qu'il étoit revenu de son apoplexie ; qu'il envisageoit la mort de sang froid, ayant fait ouvrir les rideaux de son lit et les fenêtres de sa

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chambre à coucher, pour voir, dit-il, lever le soleil pour la dernière fois. Le jour même de sa mort, et qu'une pendule qu'il avoit dans sa chambre, qui ne se montoit que tous les huit jours, il se souvint que c'étoit celui qu'il falloit le faire pour qu'elle ne fût par détractée.

On marqua à leurs Majestés la consolation que nous avions du récit qu'ils nous avoient faits l'honneur de nous faire, et de l'espérance que nous avions du salut du feu Roi.

On vint avertir qu'il y avoit quelques dames de qualité qui demandoient à entrer: leurs Majestés le permirent: il étoit deux heures et demie quand la communauté se retira. A la fin de vespres, Monsieur et Madame vinrent et amenèrent ici pour la première fois Madame la Duchesse de Chartres, leur belle-fille, qui avoit été mariée il y avoit quelques mois. Elle vint à l'assemblée qui se tient après vespres; et après y avoir été un moment, le Roi, la Reine, Monsieur et Madame, Madame de Chartres, et Mademoiselle s'en allèrent.

Le 10. Septembre 1694, le Roi d'Angleterre nous fit l'honneur de venir pour assister au service de la feue Reine sa mère, notre auguste fondatrice, que nous fesons tous les ans à pareil jour, qui est celui de son décès. Sa Majesté arriva séans sur les dix heures et un quart: elle entra seule et alla avec la Reine son épouse, qui étoit ici depuis la veille de la fête de la Nativité de la Sainte Vierge, à une des tribunes qui donne sur le S^t^ Sacrement, entendre une messe d'un de leurs aumôniers. A onze heures la communauté se réunit à la grande tribune pour chanter *laudes* des morts, auxquels leurs Majestés assistèrent, et à la messe qui se dit ensuite, après laquelle on chanta le *libera* et le *de profundis*. Toute la cérémonie finit à midi. Le Roi et la Reine allèrent voir une de nos sœurs anciennes qui étoit à l'infimerie, et y demeurèrent plus d'un gros quart d'heure. Après ils allèrent dîner à l'appartement de la Reine. Leurs Majestés permirent que la communauté eut l'honneur de les voir dîner. La Reine pria notre mère de dire à nos sœurs de n'avoir pas toujours les yeux en terre, mais de les lever. Sa Majesté ajouta que toutes étoient dans un si grand sérieux qu'il sembloit qu'elles étoient à des funérailles. Le discours de leurs Majestés pendant le repas fut de choses indifférentes. Le Roi dit qu'il avoit fait ses dévotions le jour de la Notre Dame aux Jésuites de la maison professe, et avoit dîné à leur réfectoire; que ces bons pères lui avoit fait faire bonne chaire pendant qu'ils en faisoient une fort mauvaise. Après le dîner leurs Majestés entrèrent dans la grande chambre de la Reine, où ils s'assirent sur un canapé, et la communauté à terre. Le Roi dit: il y a de grands troubles en Portugal: on croit que le Roi de Portugal avoit voulu obliger la Reine Douairière d'Angleterre à s'habiller à la Portugaise; que cette princesse y avoit beaucoup de peine, et que toutes les dames de ce royaume avoient prié la Reine de se joindre à la Reine d'Angleterre et à elles pour obtenir que toutes les femmes fussent habillées à la Française; que le Roi n'avoit pu leur refuser leur demande, et qu'à l'heure qu'il étoit on envoyoit des tailleurs de

femmes et d'autres ouvriers pour porter les modes de France. On dit que nous étions bien heureuses de n'avoir point à en changer. Et le Roi dit que souvent il pensoit qu'il n'y avoit d'heureuses que les bonnes religieuses. On ajouta que le plus grand bonheur étoit de le connoître et de le goûter au point que nous faisions toutes par la grace de Dieu ; que nous n'avions point de désire, et que n'en ayant point rien ne nous pouvoit faire de peine, puisque, selon la sentence si célèbre de S^t^ Jean Climaque, le religieux dépouillé de toutes choses est seigneur de tout le monde. Le Roi fit un portrait fort naturel des occupations des hommes du monde, qui sont gouvernés par leurs propres passions, d'ambitions, d'amour du plaisir, ou de l'avarice, et conclut qui ni les uns ni les autres n'étoient contentes, parcequ'ils désiroient toujours plus qu'ils n'avoient. La conversation tomba insensiblement sur le bonheur qu'il y a de souffrir quelque chose pour Dieu. Ce grand prince dit les choses du monde les plus touchantes et les plus belles sur l'obligation que nous avons de porter notre croix après notre Seigneur qui avoit porté la sienne le premier, et qui nous avoit donné l'exemple ; et il ajouta que Jésus-Christ ne nous laissoit pas porter la nôtre tout seul ; qu'il nous aidoit à la porter, parcequ'il ne nous en voie jamais plus de travaux que nous n'en pouvons souffrir ; que c'étoit en portant notre croix que nous faisions voir l'amour que nous avions pour Dieu. La Reine lui dit, cela servoit semblablement par votre exemple ; car ceux de vos sujets qui sont demeurés en Angleterre en repos, et jouissant de leurs biens, sont regardés comme des sujets rebèles et des lâches, puisqu'ils ne participent point à vos peines ; et qu'au contraire ceux qui vous ont suivi sont estimés comme de bons et fidèles sujets, qui partagent vos malheurs et s'exposent à tout pour vous prouver leur fidélité : nous devons faire le même pour Dieu. Le Roi dit qu'il avoit été la veille à la chasse dans la forêt proche le couvent des Camaldules ; qu'il avoit presque suivi la piste de ces S^ts^ religieux, ayant trouvé de place en place des pierres où étoient écrits des sentences de l'Ecriture ; qu'il s'étoit approché d'un rocher qui étoit fermé d'une porte avec un vérouil et un cadenas, ce qui lui avoit fait croire qu'il n'y avoit personne dedans, et que l'hermite qui y avoit demeuré étoit mort, car le petit jardin, ajouta-t-il, n'étoit point cultivé, mais étoit en friche ; qu'il y avoit vu une croix. On dit qu'on en trouvoit partout, mais que la différence étoit d'y demeurer auprès. Le Roi dit qu'il avoit souvent fait reflexion à ce que les hommes font pour se conserver la santé et une vie temporale qui ne peut durer que très peu de tems, et le peu qu'on fait pour gagner l'éternité, qui ne doit jamais finir ; car, ajouta le Roi, on se résout à se laisser couper un bras, une jambe, ou à souffrir d'autres opérations pour se conserver la vie, et qu'on ne voudroit rien souffrir pour son salut. Sa Majesté dit que nous devions désirer la mort pour n'être plus en état d'offenser Dieu, parceque tant que nous vivrons nous commettrons tous les jours beaucoup de fautes, et étions en danger de tomber dans de plus grandes. La Reine dit qu'elle croyoit qu'il faloit

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s'abandonner à la Providence, et qu'il n'y avoit que les S^ts^ qui devroient désirer la mort. Le Roi reprit que nous devions croire que Dieu tient compte des bonnes intentions qu'on a de le servir, et que si un pécheur qui ne seroit converti que depuis peu étoit surpris par la mort sans avoir fait la pénitence qu'il s'étoit proposé, qu'il faloit croire que la miséricorde de Dieu lui tiendroit compte de ses bonnes intentions et le sauveroit; que pour lui il désiroit la mort de tout son cœur. La Reine dit que cette disposition du Roi n'étoit pas nouvelle, qu'il l'avoit depuis long-tems, qu'elle lui avoit fait peur, craignant que ce ne fut un pressentiment, mais qu'une personne à qui elle en avoit parlé, ——, l'avoit rassurée, lui ayant donné l'exemple d'une supérieure d'une congrégation qui depuis 40 ans désiroit la mort, et la demandoit à Dieu tous les jours, et que dans une grande maladie qu'elle eut il y a environ 20 ans elle avoit cru mourir; qu'elle lui diroit avec un transport de joie, J'espère que demain vous ne me retrouverez plus en ce monde, et vous ferez tel et telles choses qu'elle lui nomma. Le lendemain elle n'étoit pas morte, mais elle se trouva beaucoup mieux, ce qui affligea cette s^te^ fille si sensiblement qu'elle en répandit beaucoup de larmes. Ma sœur là deposée dit que c'étoit la mère Garnier, supérieure des nouvelles Catholiques; et la Reine dit que c'étoit vrai, et ajouta qu'elle regardoit la conservation de la personne du Roi comme nécessaire à tant de Catholiques, et pouvant servir à la gloire de Dieu. Ce grand Prince prit la parole et lui dit, que c'étoit un manque de foi de penser que s'il étoit mort, Dieu ne prit pas de soin d'elle et de tout ce qui la regardoit: Oui, lui dit-il, Dieu prendroit lui-même soin de vous et de mes enfans; car qui suis-je? un homme foible, qui ne peut rien sans lui; mais il n'a que faire de moi pour exécuter tout ce qu'il veut. Notre mère dit que nous demandions tous les jours la conservation de sa personne sacrée. Et la Reine reprit et lui dit, Monsieur, dans tous les malheurs qui vous sont arrivés, en Irlande et à la Hogue, notre mère me consoloit en me disant; Madame, Dieu nous a exaucé en ce qu'il a fait le principal sujet de nos prières; il nous a conservé le Roi: nous dismes toutes que nous disions à toute heure, *Domine, salvum fac regem*, et que nous offrions nos vies pour la conservation de la sienne; que nous espérions que Sa Majesté conserveroit encore 40 ans le désir de la mort, comme la bonne mère Garnier; qu'il nous avoit fait l'honneur de nous donner un livre de la différence des tems et de l'éternité, dont la lecture lui avoit sans doute inspiré ces s^tes^ pensées. Il dit qu'il goûtoit fort le livre des s^ts^ désirs de la mort fait par le père Lalemant; que celui de la différence des tems et de l'éternité avoit été mal traduit; qu'il étoit bien plus beau en Espagnol, qui étoit la langue de l'auteur, mais aussi en Anglois. Nous lui dismes que sa Majesté devoit engager quelque père Jésuite à le bien traduire: il dit qu'il leur en parleroit; puis il dit qu'il avoit vu la veille un jeune homme Ecossois qui étoit venu prendre congé de lui pour entrer dans la compagnie; que c'étoit le troisième frère qui s'étoit fait Jésuite; qu'il n'en restoit plus qu'un dans le monde; que ces pères avoient fait tout ce qu'ils avoient pu pour le détourner de se faire religieux,

parcequ' étant des premières maisons d'Ecosse, il pouvoit rendre de grands services à la religion; mais qu'il avoit persisté à embrasser cet état; qu'on avoit remarqué que depuis qu'on avoit fait mourir pour la foi plus de cinquante Jésuites, le nombre de ces pères s'étoit augmenté notablement; et la Reine dit que le Roi avoit appliqué en cette occasion cette belle sentence de Tertulien qui disoit que le sang des martirs étoit la sémence des Chrétiens. Le Roi conta que dans une exécution qu'on avoit faite en Angleterre de cinq prêtres qui furent pendus, il y avoit une femme de qualité qui avoit pris par dévotion un doigt de chacun de ces s^ts^ prêtres pour les garder comme des reliques, et que cinq de ses fils s'étoient faits Jésuites; qu'il sembloit que pour chaque doigt Dieu lui demandât de lui sacrifier un de ses enfans. Le Roi dit que les Jésuites Anglois étoient presque tous des personnes de la première qualité; que depuis le règne d'Elizabeth, c'est-à-dire, depuis un siècle, on avoit fait mourir tant de prestres, le nombre des Catholiques n'étoit pas moindre. On demanda au Roi si sa Majesté, dans les voyages qu'elle faisoit à la Trappe, parloit à d'autre qu'à l'Abbé: il dit que le Prieur étoit un homme d'esprit; qu'il y en avoit encore un dont la charge étoit de recevoir les hôtes, auxquels il parloit encore, et quelques fois même à d'autres religieux. La Reine lui demanda s'il avoit vu une de ces récréations qui ne sont proprement que des conférences; il dit que non, parcequ'elles ne se tiennent qu'une ou deux fois la semaine, et à certains jours, qui ne s'étoient pas rencontrés pendant qu'il y étoit. La Reine lui dit, Si vous aviez témoigné avoir envie d'en voir une, assurément M^r^ de la Trappe l'auroit fait faire exprès. On demanda au Roi si Sanctener, dont la conversion avoit surpris tout le monde, étoit mort; Sa Majesté dit que non; qu'il marchoit avec des potences pour aller à l'Eglise, et que ses plaies qu'il avoit eues à l'armée s'étoient rouvertes. Comme deux heures sonnèrent quelques unes de nos sœurs se levèrent pour s'en aller. Leurs Majestés demandèrent si c'étoit la lecture, et la Reine dit qu'il en faloit faire quelque belle; comme Sa Majesté cherchoit sur la table un livre, ma sœur l'assistante s'approcha du Roi et lui dit, Nous supplions très humblement votre Majesté de ne plus parler de la mort à la Reine; cela ne sert qu'à l'affliger. Le Roi lui dit, Je le fais exprès pour lui accoutumer; car c'est une chose qui arrivera infailliblement, et il est bon de lui accoutumer en lui en parlant souvent. Ce grand Prince comptoit sur le cours ordinaire de la nature; car il nous avoit dit dans cette conversation qu'il devoit avoir le 24^e^ Octobre prochain 60 ans accomplis. On lut devant leurs Majestés un chapitre d'un livre qui traite de la providence, où on explique l'Evangile de la multiplication des pains, dont notre Seigneur rassasia 4000 et ces paroles, *Sustinuit me*, sont appliquées à tous les états différents que nous avons à soutenir. Notre mère, et celles de nos sœurs qui étoient demeurée, témoignèrent à la Reine que ce livre étoit parfaitement beau, et sa Majesté dit qu'elle nous l'envoiroit. Ma sœur l'assistante s'étant approchée de Sa Majesté, lui dit; Madame, j'ai pris la liberté de supplier le Roi de ne plus parler de la mort à votre Majesté: cela l'attriste. La Reine sourit, et lui dit; Cela ne me fait

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plus de peine : il m'y a accoutumée en m'en parlant si souvent; et de plus, je suis sûre que cela n'avançera pas la mort d'un instant. Leurs Majestés descendirent au commencement de vêpres de l'appartement de la Reine, vinrent à la porte du chœur, adorèrent le s^t^ sacrement, ce qu'ils font toujours en entrant et en sortant de la maison, et nous laissèrent pénétrées des héroïques vertus que nous leur voyons pratiquer, et qui doivent faire l'admiration des siècles.

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THE END.

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